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6 SELECT COMMITTEE TO INVESTIGATE THE
7 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
8 U.S. HOUSE OF REPRESENTATIVES,
9 WASHINGTON, D.C.

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13 INTERVIEW OF: GENERAL JAMES CHARLES MCCONVILLE

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17 Thursday, November 4, 2021

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19 Washington, D.C.

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22 The interview in the above matter was held in Room 4480, O'Neill House Office
23 Building, commencing at 9:28 a.m.

24 Present: Representative Lofgren..

1 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE

5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

8 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

9 [REDACTED] DETAILEE, DEPARTMENT OF HOMELAND SECURITY

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED] RESEARCHER

12 [REDACTED] CHIEF CLERK

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15 For the U.S. DEPARTMENT OF DEFENSE:

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17 EDWARD RICHARDS, AGENCY COUNSEL, SENIOR ASSISTANT DEPUTY GENERAL COUNSEL,

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19 RUSSELL NORMAN, LEGISLATIVE COUNSEL, DEPUTY CHIEF OF THE LEGISLATION,

20 INVESTIGATIONS, AND NOMINATIONS DIVISION, OFFICE OF THE CHIEF OF LEGISLATIVE

21 LIAISON, DEPARTMENT OF THE ARMY

22 MAJOR CHERYL SHEFCHIK, LEGISLATIVE ASSISTANT TO THE CHIEF OF STAFF OF THE ARMY

1 For GENERAL JAMES CHARLES MCCONVILLE:

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3 COLONEL [REDACTED]

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2 [REDACTED] Good morning, General McConville. My name is [REDACTED]

3 [REDACTED] I'm a senior investigative counsel here at the House Select Committee.

4 This is a voluntary transcribed interview conducted by the House Select
5 Committee to Investigate the January 6th Attack on the U.S. Capitol pursuant to House
6 Resolution 503.

7 Can you state your full name and introduce everyone on your side --

8 General McConville. Okay.

9 [REDACTED] -- or everyone who's on the record?

10 General McConville. Yeah. My name is General James Charles McConville.
11 And I have with me personal counsel [REDACTED] here and then Ed Richards over here.
12 And then Cheryl is from Congressional Liaison.

13 [REDACTED]. Great.

14 Mr. Norman. And I'm Norman Russell, Department of the Army, Office of the
15 Chief Legislative Liaison.

16 [REDACTED] And joining me on the House Select Committee is [REDACTED]
17 our chief investigative counsel. And also joining me is [REDACTED] who's
18 investigative counsel.

19 I see that the committee provided you exhibits. Do you have a binder there in
20 front of you?

21 General McConville. I do have it right in front me, yeah.

22 [REDACTED] Did you have an opportunity to review those before you came?

23 General McConville. I did.

24 [REDACTED] Great.

25 And there's a court reporter who will create a verbatim record of what we discuss.

1 With that in mind, it's important that you answer the questions verbally so the court
2 reporter can take down the answers.

3 General McConville. Sure.

4 [REDACTED] Although this interview is not under oath, you are required to
5 answer questions before Congress truthfully. This requirement applies to questions
6 posed by congressional staff in an interview pursuant to 18 U.S.C., section 1001, which
7 makes it a crime to make any materially false, fictitious, or fraudulent statements or
8 representations in the course of a congressional investigation.

9 Do you understand that?

10 General McConville. I do.

11 [REDACTED] And, obviously, we want you to answer the questions in the
12 most complete and truthful manner possible. If you need a moment to consult with
13 either counsel, please feel free to do so. Or if you don't understand my question, I can
14 certainly rephrase it.

15 General McConville. Sure.

16 [REDACTED] Do you have any questions for me before we begin?

17 General McConville. I do not.

18 [REDACTED] Do you have anything you'd like to say before we start the
19 interview?

20 General McConville. Well, I just -- I appreciate having the opportunity to come
21 before the committee. I think it's very important we get the lessons learned from this
22 event so it never happens again.

23 [REDACTED] Okay.

24 EXAMINATION

25 [REDACTED]

1 Q I know that you've had a decades-long career with the Department. I was
2 wondering if you could just walk us through your career prior to your appointment as the
3 chief of staff of the Army.

4 A Well, I'm a 1981 graduate of the United States Military Academy at West
5 Point. I have a master's degree in aerospace engineering. And I was a national
6 security fellow at Harvard, actually, during 9/11.

7 I've had the privilege of serving in the Army for a little over 40 years, and I've had
8 all the type jobs, the various commands, you know, company, battalion, brigade. And I
9 had the honor of commanding the 101st Airborne Division for almost 3 years.

10 And I've got multiple combat tours in Iraq and Afghanistan, including commanding
11 the 101st Airborne Division in Afghanistan. And I've been involved in, you know, many,
12 many operations where we had to have quick reaction forces respond in very challenging
13 situations.

14 And I was the vice chief of staff of the Army, the number-two officer in the Army,
15 and, most recently, the chief of staff of the Army for a little over 2 years.

16 Q When were you first appointed to be the chief of staff of the Army?

17 A I was appointed in August of 2019.

18 Q And the Secretary of the Army at that time was?

19 A Was Secretary McCarthy.

20 Q McCarthy. And it was Secretary Ryan McCarthy at the time of January 6th
21 as well, correct?

22 A Yes, it was.

23 Q And when you were appointed the chief of staff of the Army, Secretary Esper
24 was the Secretary of Defense. Is that right?

25 A I need to check on that.

1 Q Okay.

2 A I know this -- when I was -- I'd have to check on that. I should know.

3 Q It's okay.

4 A I know -- I was actually nominated by Secretary Mattis. And then Secretary
5 Mattis came in. So I'm just not sure exactly when Secretary -- yeah, that makes sense.
6 Secretary Esper was right around that timeframe, because, basically, Secretary McCarthy
7 came in as the Secretary, Secretary Esper moved up, so that does make sense. So it was
8 probably Secretary Esper.

9 But we can confirm that for you.

10 Q No problem.

11 If you could just give us kind of a broad view of what the role of the chief of staff
12 of the Army was.

13 A Yeah, it's an interesting term, because a lot of people hear "chief of
14 staff" -- and I know in many of your offices you have a chief of staff that works for a
15 Member and they do the coordination of the staff. The chief of staff of the Army is
16 somewhat of a different role. And it really stems back to -- it used to be the commander
17 of the Army. And, today, the chief of staff of the Army is not the commander of the
18 Army. He or she is actually the number-one Army officer in the Army.

19 I have, really, two roles. One is as an advisor to the Secretary of the Army.
20 That's how we make sure that we have civilian control of the Army, that the chief of staff
21 provides best military advice on how we man, we equip, we organize, and train the Army
22 and make forces available.

23 The second role the chief of staff of the Army has is on the Joint Chiefs. I am a
24 member of the Joint Chiefs. And, in that role, we provide military advice to the
25 Secretary of the Defense and to the President on military-type operations.

1 Q Okay. That's very helpful -- thank you -- for those of us as civilians who
2 don't understand the chief of staff title as it relates to your role and responsibilities,
3 which are incredibly more vast than the chief of staff in another sense.

4 A Well, I think that, you know, because -- you know -- and, again, as the chief
5 of staff, you know, when you say things, you know, some people look at you as the
6 commander of the Army, like you're giving orders. So, you know, the orders that come
7 through, you know, from the generals are based on decisions made by our civilian
8 leaders. And those are the checks and balances that we have in place.

9 And, you know, we certainly will come back and, you know, make
10 recommendations. Is this the proper employment based on a military experience?
11 But, at the end of the day, it's civilian control of the military, which it absolutely should
12 be, and that's the type of -- you know, that's the way our country is set up.

13 Q And as part of your experience, and particularly in your role, are you familiar
14 with the authorization process within the Department for the D.C. National Guard
15 deployment?

16 A I am.

17 Q Can you just explain that to us?

18 A Okay. So, you know, the District of Columbia, when it comes to the
19 National Guard, is somewhat different than the rest of the country. Because in the rest
20 of the country you have a Governor, and the Governor is responsible for employing the
21 National Guard in local domestic-type situations if they're not federalized.

22 But, in the District of Columbia, the D.C. National Guard actually works for the
23 President of the United States. That's the chain of command. Now, the President has
24 delegated that to the Secretary of Defense. And then the Secretary of Defense has
25 delegated that, in some circumstances, to the Secretary of the Army.

1 So the Secretary of the Army generally has the authority, if given, to employ the
2 National Guard in support of law enforcement agencies inside the District. And there's
3 42 of them. So, you know, there's a lot of different law enforcement agencies that could
4 request support.

5 So, if someone wants to employ the National Guard, there will be a formal request
6 that usually comes through the commander of the National Guard. And that comes up
7 to, you know, the Secretary of the Army, or it could go to the Secretary of Defense. And
8 based on that request, there's a decision made on whether they'll, you know, employ the
9 National Guard in that role.

10 Q When you say there's 42 agencies within the District that can make that
11 request --

12 A Well, there's 42 different law enforcement agencies, you know, and some
13 are very small. Most of the Federal agencies that reside inside the District have some
14 type of law enforcement capability. It may just be for -- their jurisdiction may just be
15 their buildings, or it can be larger jurisdictions, like the Park Police.

16 You know, the Park Police have responsibility for the parks. The Capitol Police
17 have responsibility for the Capitol Building. The Metro Police have responsibility for,
18 you know, basically the District. You know, the Secret Service has responsibility for
19 around the White House. And so you have many, many organizations that have
20 responsibility inside the District for law enforcement.

21 Q The request that the Army would receive from any of these law enforcement
22 agencies, is there a particular manner in which the Army receives it? Or can it just
23 come, as we've seen from January 6th, through a letter to the commanding general of the
24 D.C. National Guard?

25 A Yeah, that's pretty standard, for a letter to come just outlining what type of

1 request they would have. That's pretty much, in my experience, what I've seen, a letter
2 from either an organization or it could be from a Cabinet member. Sometimes it comes
3 in to the Secretary of Defense. Sometimes it comes in to the Secretary of the Army.

4 Q For -- I'm starting on general questions, but specifically for January 6th --

5 A Yeah.

6 Q -- was there any request made by the Capitol Police prior to the day itself?

7 A No, there was not.

8 Q Would it have made a difference to the Army whether the Capitol
9 Police -- whether the chief had made that request or whether it had come through the
10 Capitol Police Board?

11 A Yeah, I think it would've made a difference in having a request, because that
12 would've allowed the D.C. National Guard to bring people in to support that request.

13 What some may not understand is that the National Guard -- most of the National
14 Guard has civilian-type jobs. So, you know, they could be working here in Capitol Hill.
15 Some are law enforcement. Some are working out in the community. Some are not
16 necessarily even inside the District.

17 So, when there's a request made, what the commander of the National Guard will
18 do is he will go out and bring people in to fulfill that request. And so, if there's a request
19 made -- and the sooner the request is made, the better opportunity there is to actually
20 bring those soldiers in, the better opportunity there is to actually develop an integrated
21 security plan, the better opportunity there is to make sure they have the right equipment,
22 the right soldiers --

23 Q Right.

24 A -- to do the right task.

25 So, from where I'm at, you know, we strongly recommend that, you know, if

1 you're going to need forces or military forces, you do that prior to the actual moment you
2 need them.

3 Q And I appreciate that answer. I'm just curious whether the request itself,
4 does it matter if it's the Capitol Police Board -- I don't know if you're familiar with the
5 Capitol Police Board process that's been, kind of, discussed in terms of the chief of police,
6 of the Capitol Police, has to go through the Capitol Police Board to make the request of
7 the D.C. National Guard. But from the Army perspective, would it matter if the chief of
8 police just directly requested it?

9 A Well, if you put it in writing, we -- I mean, the process -- because there's a
10 process that the Secretary has to go through.

11 Q Got it.

12 A And if you've seen -- you have some of the exhibits where they have to go
13 back and, you know, basically say, hey, we -- and we've come back and, you know, go to
14 the, you know, Deputy Attorney General. So there's an information we are actually
15 going to do that.

16 Q Uh-huh.

17 A We inform Congress that we're going to do those type of things, and we
18 have requests like that. And some of those exhibits are in the -- at least the book that
19 you gave me.

20 Q Right.

21 A As long as it's in writing, essentially, from an agency, the Army will honor the
22 request for the D.C. National Guard.

23 A Well, the -- as long as, you know, if there's a request made, the Army or the
24 Secretary of Defense, or OSD, will act on that request.

25 Q Is it accurate to say that the Army does not participate in any security

1 planning for the Capitol without any request?

2 A That's correct. That is correct. Yeah, we don't go around, you know,
3 especially, you know, in a domestic situation, and provide support that is not requested.
4 We would have to be requested.

5 Now, we could offer support. You know, if you requested -- you know, we have
6 experts in, you know, physical security. And, you know, in fact, you know, how would
7 you prevent people from maybe entering, you know, this situation?

8 So, if we were asked for that type of support, we would, you know, take a look at
9 the request, we'd talk to legal counsel, and then go ahead and be prepared to perform
10 those type of missions.

11 Q In a domestic situation, though, would DOD or the Army ever take the
12 primary role in terms of a security event?

13 A I have not seen that. Usually -- and, again, anything could change, but, you
14 know, usually -- at least what we recommend is that there's a lead Federal agency that's
15 not the military. And --

16 Q Why is that?

17 A Well, there should be someone that is going to coordinate the various law
18 enforcement agencies.

19 And, you know, there's a general feeling that, and even within the law, that, you
20 know, the military should only be used, you know, as more of a last resort, extreme cases,
21 when it comes to law enforcement.

22 I mean, ideally, from where we sit, and, you know, the recommendations for
23 lessons learned is there should be a lead Federal agency who -- because you could have
24 multiple agencies in multiple jurisdictions, so there has to be someone that is going to
25 facilitate unity of effort. And then there should be an integrated security plan that

1 designates what each law enforcement agency is responsible for doing.

2 And then, once they have an integrated security plan, they can start to allocate
3 law enforcement to those type missions. We need 50 people to do this. We need 100
4 people to do this. We need people to do this. And, oh, by the way, here are some
5 contingency missions that we believe may happen, and we want someone to respond.
6 And when they do, they should respond with this many people. They should be maybe
7 armed or unarmed. They should have this type of equipment.

8 And all those type things that will allow the agencies or law enforcement agencies
9 or even the National Guard to have some idea of what they're expected to do when they
10 arrive at that situation.

11 Q And we'll get into a little bit more about the lead Federal agency --

12 A Yeah.

13 Q -- as we get closer to January 6th.

14 Just one broader question before we go off the process: Is it by policy that the
15 D.C. National Guard cannot go to the Capitol without a request, or is it by statute? This
16 concept of a request, can you just unpack that a little bit?

17 A Well, I'm going to -- because I think -- I don't want to practice law if I --

18 Q Sure.

19 A But I'll ask -- can I ask my legal -- because I --

20 Q Of course. And I didn't mean to trigger anything.

21 A No, no --

22 Q The question was just in your experience.

23 A No, the question is -- my experience is --

24 Q Uh-huh.

25 A And, again, I don't want to practice law in front of a lot of lawyers here.

1 But the way I understand it is, you know, we do not employ military forces, especially in a
2 law enforcement environment, without some type of request and some type of approval.

3 And, in this case particularly, you know, there were requests made by the
4 leadership that were actually restricted when they came to us from the mayor, from the
5 director of emergency services, that kind of laid out what they were going to do. And,
6 you know, there's a letter from the mayor that goes to, you know, the Acting Attorney
7 General, Department of Defense, and even Secretary McCarthy that says, this is, you
8 know, what we want, and we don't expect any additional, you know, employment of
9 forces unless they're actually authorized.

10 So, as a general rule -- and, you know, I'd defer to counsel on that -- we don't
11 employ military forces, nor, personally, do I think we should, unless there's a validated
12 request from the appropriate authorities.

13 Q Thank you for that. And if there's anything to add legally, we will --

14 A Yeah, I'll get that.

15 Q -- but I wanted your experience and your --

16 A But that's my experience. I mean, because, again, you know, deploying the
17 military should only, in my opinion, be the last resort, you know, especially when it comes
18 to law enforcement.

19 Q There has been a lot of comparisons about the response of the Army from
20 the summer protests after the murder of George Floyd and to January 6th. In your
21 opinion, was the summer protest response, was that a last-resort situation?

22 A Well, I think, when I look at the response, it was what was requested over a
23 build-up of days. I mean, the first response for National Guard I think I have was -- let's
24 see if I can find it.

25 The first request for National Guard during the summer was by the Secretary of

1 the Interior, and it was on 30 May. And it was up for -- it was from Park Police, and they
2 wanted 100 National Guardsmen for 30 May, and then they wanted 250 for 31 May.

3 So, over the days --

4 Q Uh-huh.

5 A -- as these civilian law enforcement saw that things were getting, you know,
6 larger, they increased their request for military forces.

7 Q And just so we're clear on the process that occurred for that request on
8 May 30th and May 31st --

9 A Right.

10 Q -- was it similar to the process that we saw that occurred in the days
11 following the --

12 A Right, there was a formal -- there was a formal request. And someone
13 along the lines of probably the Secretary of the Interior or the Park Police requested in
14 writing to the Secretary of Defense or to the Secretary of the Army a request for forces.

15 Q And was there a similar mission analysis conducted in the sense of -- as we
16 saw in January 6th, there was an initial request of 350 people, and then it was 250
17 people, and then it went up to 340 people --

18 A Right.

19 Q -- that analysis that the Army had from December 31st until just January 4th.
20 Did a similar analysis occur during the summer?

21 A Well, there is -- when we receive requests, you know, what will happen is,
22 the National Guard will take that almost as a request, and then they start to take a look at
23 what would it take to do that.

24 Q Uh-huh.

25 A You know, a lot of times, rather than requesting 100 National Guardsmen,

1 ideally, you know, we would like something like, we want you to man 20 traffic control
2 points for this long, you know, with this amount of people. Then we can come back and
3 say, okay, we're going to run 8-hour shifts, this is how we need to do it. So, you know,
4 they would come forward and say, we think to do what you want us to do is actually
5 going to take 340.

6 And that's similar to what happened on 6 January. Initially, if you saw some of
7 the documentation from that, I think the National Guard came out and said, we need 250.
8 But as they did more analysis and, you know, you realize that, you know, it's going to go
9 for a longer period of time, you may need more people to do it. And that's where the
10 numbers came from.

11 Q Right. But is that a typical analysis --

12 A That's a typical, yeah. And that's really what you want to do. Anytime
13 you get a request from a civilian agency, you want to do a mission analysis. That -- we
14 call it mission analysis. That's basically looking at the request and trying to determine
15 the best way to accomplish what they want to accomplish.

16 Q And because you have the numbers in front of you from the summer --

17 A Yeah.

18 Q -- what was the outermost number that the National Guard provided during
19 that time, if you know?

20 A Well, it grew eventually to thousands. Because we brought out-of-State
21 National Guard in to support that during the summer.

22 Q And can you describe kind of the time period, the build-up of when that
23 occurred?

24 And let me just say this. There is --

25 A Yeah.

1 Q Are you familiar with the picture that was kind of in social media, in the
2 public, of the D.C. National Guardsmen, or National Guardsmen, in front of the Lincoln
3 Memorial during the summer protests? I remember President-elect Biden at the time
4 showed that.

5 A Yeah.

6 Q So there's this criticism of the Army of how much they responded to the
7 summer versus January 6th. And I'm wondering if you can explain, as you kind of
8 alluded to, the build-up over time and how that compares to what happened within
9 minutes, really, on January 6th? That's the backdrop of my question.

10 A Yeah. I'm just trying to see if I have the exact build-up.

11 This has the initial request. I don't think I have the build-up. There was a
12 request on 1 June for assistance; many National Guards made available.

13 So, if you look at the dates, it was, you know, the 30th, the 31st. And then on 1
14 June was when the request got a lot larger.

15 And then there was requests -- there was concern about the reason there were
16 soldiers and, really, law enforcement -- it wasn't all soldiers -- at the monuments, there
17 was just concerns that the monuments may get defaced, because some of them had been
18 defaced, and so they put security at those monuments.

19 Q I want to kind of step back before we get into a little more about the
20 summer and talk about the Army obtains any domestic intelligence or threat information
21 before an event.

22 A Yeah.

23 Q And with January 6th, what was the Department relying on for its
24 intelligence?

25 A Well, the intelligence -- and, you know, we're not allowed to do domestic

1 intelligence. And there's a lot of, you know, legal reasons why that doesn't happen.

2 So usually what will happen with us is we get information passed from law
3 enforcement, and that's how we get our intelligence.

4 Q Is there one law enforcement agency that the Army relies on, or does it
5 depend upon who's making the request for the D.C. National Guard?

6 A It really -- it could come through multiple agencies. You know, we have
7 military police that work with their local law enforcement-type agencies. And so, you
8 know, as they get that type of information, if the FBI puts out something, then we might
9 be able to get that.

10 But we are dependent on local law enforcement agencies or Federal law
11 enforcement agencies to pass that information to us, and then we're in a position to use
12 it. We're not authorized to collect any type of intelligence locally -- or domestically, I
13 guess is probably the better way to describe it.

14 Q I want to just turn briefly to exhibit 8, which is the slides that the D.C.
15 National Guard sent initially. This is a December 31st --

16 A Right.

17 Q And if you look at the slides, it says -- it describes the situation. And then in
18 the third paragraph there, it says, "Similar to demonstrations on the 14th of November
19 and the 12th of December, law enforcement expect supporters of the Proud Boys and the
20 ANTIFA organizations will participate in the protests and seek to confront each other."

21 This appears to be information that was provided to the Army as part of the
22 request. Do you know, does the Army ever do any independent investigation or
23 corroboration of the threat information that's provided to them?

24 A No. I mean, I'm not aware of anyone that would have done that.
25 Certainly at our level, we're not doing any independent review of that.

1 Q So whatever -- and I'm summarizing -- whatever domestic intelligence is
2 provided to you as part of the threat landscape at the request --

3 A Right.

4 Q -- is what the Army relies on in terms of responding with your --

5 A That's right, yeah. We're talking to -- you know, again, on this one, I'm not
6 sure exactly where this came from, but I know that the National Guard was talking to -- at
7 the top is Dr. Rodriguez.

8 Q Uh-huh.

9 A He's the director. But I don't know how that actually is passed. But, you
10 know, they're in dialogue with those organizations in coordination. And, you know,
11 that's -- I think on the next page it shows various planned activities --

12 Q Uh-huh.

13 A -- you know, of who has permits. So my assessment is someone -- I'm not
14 sure if that was Dr. -- you know, who the exact person that was provided it, but someone
15 provided that information, you know, whether that came from the city or from
16 emergency services. But that shows who has permanence to actually conduct, you
17 know, some type of activity during that timeframe.

18 Q Who would be the -- is there a unit within the Army that would, you know,
19 assess that information or contribute more information to the threat landscape? You
20 mentioned that you have Army police in --

21 A Yeah. And we have a provost marshal.

22 But as far as, you know, going out and, you know, checking the information, again,
23 we're very careful when it comes to gathering intelligence domestically, especially on
24 American citizens.

25 Q And putting aside the concept of collecting or gathering intelligence, what

1 about -- there's -- obviously, months later, there have been a number of press articles
2 about these warnings that were in plain sight.

3 A Right.

4 Q Was there any awareness within the Army, apart from what was provided to
5 you in the request, of the potential likelihood of violence at the Capitol?

6 A Well, you know, maybe I can try to explain this. What the Army does, or
7 the National Guard, in these type of situations, we're what we call a force provider. You
8 know, we're not actually in -- you know, we support local law enforcement. So the way
9 the National Guard will operate is, we need 300 people to do this, or we need 200 people
10 to do this.

11 It's very different than what we would do in a combat situation, you know, like in
12 Afghanistan, where we would gather intelligence, we would shift forces, we would verify
13 what was coming in, and we would do that very, very aggressively so we could react to
14 the threat or whatever that was.

15 In this case, what the Army is involved in is providing support, if required, usually
16 as a last resort after all local, State, and Federal law enforcement has been exhausted.
17 And it's usually in a support-type role, not in a lead-type role.

18 Q Uh-huh. And that's helpful.

19 [REDACTED] Do you have any questions?

20 [REDACTED] Just a couple.

21 First of all, General McConville, thanks very much for being here. It's really
22 important for us to both look backward at what happened but also look forward --

23 General McConville. Yeah.

24 [REDACTED] -- and think about all these processes, whether they work
25 effectively. The committee will both write a report about what happened but also

1 consider some recommendations, some additional resources, some possible process
2 changes to support people like you that are keeping us safe.

3 And that's really the point of some of these questions, is trying to understand the
4 process and whether there are things that Congress can do to improve the process.

5 EXAMINATION

6

7 Q So I was really interested in your, what you called mission analysis.

8 A Yeah.

9 Q And I'm trying to get a sense as to when your experts that do crowd control,
10 that do it all over the world, get involved in shaping a request.

11 It sounds like what you said is that there's dialogue between folks at the Army, the
12 D.C. National Guard in particular, and the civilian authorities that leads up to the request.

13 A Right.

14 Q Is that right?

15 A Yes.

16 Q It's not like the request comes cold, and all of a sudden -- you've informed
17 the request, or the Army, the National Guard have, through dialogue over time. Is that
18 accurate?

19 A That is correct. Yeah. There's discussions on what's the best employment
20 of --

21 Q Right.

22 A -- how we could help law enforcement do their jobs.

23 And even as the requests were coming in, you know, if you saw, what Secretary
24 McCarthy came back and said is, you know, what we were trying to shape was the fact
25 there would be a lead Federal agency.

1 Q Yeah.

2 A We were trying to shape the fact there would be an integrated security plan.
3 We were trying to shape the fact that the appropriate, you know, State, local, and Federal
4 law enforcement would be in place and be in a contingency-type mode so we could best
5 secure that the way the system is designed to work.

6 Q I see.

7 So, ultimately, the request was, we're going to put, whatever it is, 150 National
8 Guardsmen at Metro stops to do traffic control. It sounds like that was the product of
9 some ongoing discussion that the National Guard was having with Dr. Rodriguez and
10 other law enforcement that ultimately informed the request. That wasn't dropped cold
11 on the Army. That was the product of some discussion.

12 A Yeah. My sense was that the mayor and the chief of police and the director
13 of emergency services, they wanted the National Guard to assist them with traffic control
14 points.

15 Q Right.

16 A Because that would allow them to have their law enforcement officers an
17 ability not to be what we would call fixed.

18 Q Yeah.

19 A Because, you know, by putting the National Guard in place and by
20 establishing these checkpoints around the city, you would help with traffic control, but, at
21 the same time, that would allow police officers to do law enforcement. And that's what,
22 you know, it was agreed to.

23 Q Right. So, best case, when this works well, the ultimate request and plan is
24 a product of ongoing discussion in the days leading up to the event.

25 A Absolutely.

1 Q So, if, hypothetically, the Army got intelligence that there were specific
2 threats of violence and a crowd size projected to be, you know, 50,000, the Army's
3 expertise in this could be -- inform the plan, right? It could say, hey, that sounds like a
4 situation in which maybe we need to be prepositioned to do more than traffic control; or,
5 here are some ways in which we, the National Guard, could help it.

6 A Again, would that kind of discussion in advance take advantage of your Army's
7 collective experience in managing these kinds of things?

8 A Well, it could. And I would use January 20th as an example of that.

9 Q Yeah.

10 A You know, we were able to, you know, help with the security of the Capitol.
11 You know, hey, here's -- you know, with fencing, with security measures that allowed, you
12 know, measures to be put in place where you could clearly start to align, you know -- hey,
13 there's a fence here.

14 Q Right.

15 A You know, it's not, like, a bicycle rack. It's actually a fence that would take
16 some effort to get over. And then there was another fence. And then you can start to
17 array your law enforcement in a way that would make it very, very challenging to get to
18 the Capitol.

19 A So there's things you can do. We do this routinely --

20 Q Yeah.

21 A -- in combat. It's something, we call them obstacles, but you can call them
22 security measures or fencing.

23 A But what it does is it starts to -- we would describe, kind of, defending in depth,
24 where, you know, people, you know -- so say you have, hypothetically, a situation where
25 there's going to be people that are exercising their First Amendment right. From here

1 on, you're good to go.

2 Q Uh-huh.

3 A You cross this fence, now you've trespassed, okay? Now you're starting to
4 get into a situation. Now there's another fence. Now you're getting to the point
5 where you're starting to, you know, be in a situation where, you know, what are you
6 doing here?

7 Q Right.

8 A And by setting it up that way, you start to give depth, and you don't
9 necessarily have to have as many people, and you can --

10 Q Yeah.

11 A -- respond to different situations, and you kind of spread it out. And, that
12 way, you start to see what maybe people's intents are when it comes to our security
13 situation.

14 Q Yeah. It's a great example of the benefit of Army experience, historically
15 and around the world, being brought to bear to create a situation domestically that keeps
16 everybody safe.

17 A Yeah.

18 And the other thing, you know, another example, if you look at
19 January 20th -- and I think there are some really good lessons we learned. You know,
20 the Secret Service were the lead Federal agency. They do that -- you know, the
21 inauguration's a big deal. There was a very sophisticated security plan. There was an
22 integrated security plan.

23 So you had a lead Federal agency, as we would like to see. You had a very solid
24 integrated security plan. It was very well-resourced. We brought in 25,000 National
25 Guard. We put the fences up.

1 But, also, there were rehearsals. So, over at Fort Myer -- and, again, we were in
2 a support role, but they were able to bring all the interagency players in that were going
3 to participate in that, and they got to see the plan.

4 Q Yeah.

5 A And it was laid out. There was a big old map there, and here's the places,
6 and here's what's happening. And you had the agencies that could provide intelligence,
7 this is what we think is going to happen, and people could walk through that.

8 And then what was very helpful was all the interagency, all the different law
9 enforcement agencies, could see what the whole plan was, so they knew who was here,
10 who was doing this.

11 The other thing they could do is -- what happens -- we call it contingency planning.
12 So what if someone does this over here, and then the lead Federal agency said, okay,
13 we're going to send this, or we're going to use quick reaction force, or we have these type
14 of people that can react to that situation.

15 So all the interagency got a chance to go through the integrated security plan.
16 They got to rehearse it. They were able to make changes right then when things didn't
17 work.

18 And then we did it again with the National Guard. And we did the same type
19 thing. So the leaders of the National Guard knew what their task and purpose was.
20 They had a chance to rehearse it. They had a chance to even go and do what we would
21 a reconnaissance, where you could actually go -- you know, rather than just go to the
22 Capitol, it's like, you're going to be, you know, operating right here. You've got to know
23 the roads that take you to that point. You've driven the roads; you know what's going
24 to happen.

25 So all those type things come together --

1 Q Yeah.

2 A -- to give you a much better opportunity when something goes wrong. It
3 gives you speed, you know, so the people can move very, very quickly, not only get there,
4 but when they get there, they have the appropriate gear.

5 Like, there were units, designated civil disturbance units. So what they had is
6 they had all the equipment there, ready to go, you know, kind of like in the firehouse.

7 Q Yeah.

8 A They had the shields. They had the gear. And they knew exactly that
9 you're going to set up a perimeter here. And they had their gear. They had rehearsed
10 their plan. They had an opportunity to go do those type things. And, again, it turned
11 out they weren't needed for that day, but they were ready to execute that mission.

12 Q Right.

13 A And, you know, some of it -- again, I'm an advisor in that role, but having
14 watched that all come out, I felt much, much more comfortable that, you know, the law
15 enforcement, supported by National Guard and everything else, was in a very good
16 position to make sure there was a safe and secure transfer of power.

17 Q Yeah. So best practice is there's training, there's interagency coordination,
18 there's contingencies contemplated, and you're ready for, kind of, anything based on that
19 process.

20 A That's right. That's right. Because a simple thing is, you know, if you're
21 bringing National Guard in -- and, you know, you all work around the Capitol. Imagine if
22 you've never been there --

23 Q Yeah.

24 A -- and just go to the Capitol. Well, where do you want me to go? What
25 do you want me to do?

1 Q Yeah.

2 A And the other thing that I would say is, when you introduce, you know,
3 military with weapons -- you know, these are M4 rifles. They are designed for combat.
4 And, you know, you run into a situation where you could get results that you don't want.

5 Q Yeah. And sometimes that's just not possible, is that right, because of
6 fast-moving events --

7 A Right.

8 Q -- uncertainty of intelligence, shorter timeframe before an event occurs?

9 A Sure. That's right.

10 Q But should we strive for as much of that as possible before any deployment
11 of --

12 A Well, I mean -- and, again, this is how the military does it, in a way.

13 Q Yeah.

14 A And, you know, the military is really big on after-action reviews. And, you
15 know, I've been through a lot of these type operations. We don't always get them right,
16 but we try to learn from what happened and get them right, and these are basic
17 principles.

18 Q Uh-huh.

19 A Now, other organizations, you know, may operate differently. You know, I
20 mean, they just -- they don't conduct the operations the same way we do. And I think,
21 you know, many of us have learned because the costs can be so much.

22 Q Yeah.

23 A You know, when you get them wrong in combat --

24 Q Right.

25 A -- you can have some pretty devastating results.

1 Q Yeah.

2 A So it's very, very important, at least for us, you know, the tried and true
3 processes of how you do business.

4 Q Yeah.

5 [REDACTED] I'm sorry to keep --

6 [REDACTED] No, that's okay. Go ahead.

7

BY [REDACTED]

8 Q So is it fair to say, the earlier you get involved, the better information you
9 have in advance, the more prepared you -- and when I say "you," I mean Army resources,
10 particularly National Guard -- the more effective you'll be?

11 A Absolutely.

12 Q Get involved earlier, get as much intel as possible, shape the plan so that
13 you're more prepared for the contingencies that might occur in a particular event.

14 A Absolutely.

15 Q Yeah. Okay.

16

BY [REDACTED]

17 Q And just to follow up on Tim's point, if the initial December 31st request for
18 Mayor Bowser or Dr. Rodriguez had included a request for armed National Guard, would
19 it have triggered all these things you talked about -- the integrated security plan, the
20 rehearsals, the contingency planning?

21 A It would not have triggered that, no.

22 Q What would have had to have occurred for all of those -- all the planning
23 that you did for January 20th, what would've had to occur for that to have occurred
24 before January 6th?

25 A What I would suggest is, you have to put someone in charge of all the

1 agencies that are going to participate in the security plan.

2 So, I mean, if you think about D.C., it's very, very challenging, because the Capitol
3 Police is like their own security force that's right here. Then you have the Metro Police
4 that's on the side. And then you have the Park Police that sits right here. And if you
5 stop to think about it, so you've got, you know, these folks, these folks, these folks. And
6 then you throw in, you know, is the FBI going to be involved? You know, do you want
7 those, you know, law enforcement involved?

8 So I just think it's really -- even from Cabinet -- so you have, you know,
9 Department of Justice, that's one whole Cabinet section. You have Department of the
10 Interior, who the Park Police work for. You've got Department of Homeland Security
11 when you start getting into --

12 Q Uh-huh.

13 A -- Secret Service and some other folks. And you've got Department of
14 Defense. So there's four Cabinet departments.

15 And what we have learned, it's better to get together before the event and
16 actually do -- because, you know, a lot of these people may not even know who they are,
17 they may not know each other -- than be in a crisis when you're trying to figure out, you
18 know, when things are really not going very, very well.

19 And, in some ways, by introducing forces that have not rehearsed, that have not
20 planned, you can actually do more damage than making sure you get it right before you
21 actually employ them, especially when it comes to weapons, especially with people
22 coming in with lethal force. That is a very challenging mission for anybody to do.

23 And, you know, like, the reason we talk about having the appropriate forces that
24 can do the job -- everyone looks at soldiers, and they go, "Well, soldiers can do it." And
25 we have great soldiers. They are wonderful. But not all the soldiers are the same.

1 Not all the soldiers have the same type training.

2 To go into the Capitol -- and there were gunshots -- at the time, people didn't
3 know -- there was a report of gunshots, and there were gunshots -- people did not know
4 at the time that it was Capitol Police. But it was being, you know, relayed to the
5 Secretary of the Army that, you know, this was a potential contested environment with
6 people with weapons. And then the question is, how do you send the National Guard
7 in, and what do you want them to do? And that becomes very, very important.

8 Because some people say, like, well, just get there, you know, get there as quick as
9 you can. Okay. The Capitol is a big place. A lot of people going on, a lot of -- you
10 know, what do you want them to do? What type of equipment do you want to bring?

11 Because even with the weapons, the fact they didn't have weapons meant they
12 would've had to get them. And, you know, people often look at the timing. It takes a
13 good amount of time to issue people weapons if you've been in units that don't -- you
14 know, the weapons aren't just sitting there. They have to actually go through a process
15 where they hand the weapon, they sign for them, and then they have to get ammunition,
16 and all these things have to happen. And that takes time.

17 Q And for January 6th, that happened at the Armory. Is that right?

18 A Well, for January 6, yeah, it did, but it didn't happen until later.

19 Q Right.

20 A Because, initially, the troops -- both the quick reaction force -- I'll go back to
21 January 6th. If you think about -- and try to put it in perspective, January 6th.

22 You've got a whole bunch of great National Guardsmen spread out across the
23 entire city. You know, three or four of them, they're at -- if you're seeing, like,
24 a -- they're sitting in a road with a vehicle and usually have one police officer with them
25 just in case there's law-enforcement-type things need to be done.

1 Q Uh-huh.

2 A So that's spread out across the entire city. They're just spread out.

3 And then what had to happen is, when they got called, they had to bring them all
4 back. So, you know, they've got to hop in their vehicles, they've got to drive back to the
5 Armory, they've got to get back in there.

6 And then it's like, okay, where do you want us to go? Some people would argue,
7 well, just drive to the Capitol. Just take your vehicle -- very much like -- because that's
8 how the police respond. The police are used to responding, you know, but they have
9 weapons. And they respond to wherever they need to go. They just drive up there.

10 Well, here, you've got a very serious situation. The National Guard soldiers that
11 were picked, they were picked because they could run a traffic control point. They're
12 out there in vests, a very low military signature, which was requested. So they don't
13 even have military vehicles. They're out in civilian vehicles. They're sitting there.
14 They do have their helmets and vests just because we were concerned, if there was a
15 situation, we do want them to be protected defensively. But they had no offensive
16 capability to protect themselves with weapons. And they didn't have riot gear either.

17 So the bottom line is, you've got to bring them back to the Armory, you had to
18 kind of get them all together, you had to figure out, okay, what do you want them to do
19 when they go to the Capitol?

20 You know, my recommendation was, have them reestablish the perimeter. Give
21 them their, you know, riot control gear and kind of spread things out. And then let
22 others, you know, whether it's the FBI hostage rescue team or the SWAT team, who are
23 highly trained professionals, you know, clear building. If you are going to clear a
24 building, like this room, and you are not at the level of training, you could cause a lot of
25 damage with weapons. You could shoot a lot of people. You know, so you want to

1 have the right people that can do that.

2 Q I want to go back to what you said about what could've happened if people
3 would just drive directly there. But before --

4 A Yeah.

5 Q -- I go back to that, the initial question about whether there had been a
6 request for armed individuals, I think your answer was, it wouldn't have made,
7 necessarily, a difference for the Army's preparation without a lead agency. Is that --

8 A Well, if you said armed, the question we still would've had was, what do you
9 want them to do --

10 Q Got it.

11 A -- with their weapons? You know, because it's one thing to stand guard
12 with a weapon, and it's another thing to actually use those weapons to, like, clear, you
13 know, demonstrators or the people that were actually in a Capitol. That's a whole
14 different story about how you do that.

15 Q So, obviously, it's been in the report that the Army did and from you that
16 DOJ, according to DOD, was the lead Federal agency.

17 A Yes.

18 Q And it's also clear that they, according to DOD, did not have an integrated
19 security plan or do rehearsals or do the type of work that you described --

20 A Right.

21 Q -- prior to January 20th.

22 A Right.

23 Q During that time period, was anyone within your leadership requesting
24 rehearsals or integrated security plans? Was there a sense of assurance that DOJ was in
25 charge? Or what did you specifically see as their role and whether they were

1 succeeding or failing?

2 A Well, I think as we moved towards the date -- you know, the requests were,
3 if you look at the -- if you go back, it was 1 or 2 -- it's 6 January, but, you know, the
4 requests are happening on 1, 2 January. I think there's a letter, you know, from the
5 mayor I think I have here that's, like, 5 -- let me just see if I have it here.

6 Here's a letter written 5 January from the mayor that is written to Attorney
7 General Rosen, Secretary McCarthy, and Acting Secretary Miller, and says: Hey, we're
8 all prepared. You know, we have not requested personnel from any other Federal law
9 enforcement agency. To avoid confusion, we ask that any request for additional
10 assistance be coordinated using the same procedures and processes.

11 And her final statement is: To be clear, the District of Columbia is not requesting
12 other Federal law enforcement personnel, and it discourages any additional deployment
13 without immediate notification to and consultation with the Metro Police if such
14 commands were underway. The Metro Police is well-trained and prepared to lead this
15 law enforcement agency coordination response to allow for the peaceful demonstration
16 of the First Amendment rights in the District of Columbia.

17 Q Uh-huh.

18 A And so that's the day before. And, you know, what we saw from the Army,
19 at least, you know, my military advice was, we were doing exactly what we were
20 requested to do, which was establish those traffic control points --

21 Q Uh-huh.

22 A -- which is, you know, support the Metro Police. And then there was a
23 quick reaction force, or about 35 folks, that would reenforce the traffic control points.

24 There was never any plan, attempt, any discussion of any military being around
25 the Capitol in any way.

1 Q But had DOJ, before the January 5th letter, taken on any coordination role
2 that you were aware of?

3 A No. I'm not aware of any, other than -- you know, there was no discussion,
4 at least that I was aware of, that -- in the meetings or the phone calls that I sat in or
5 listened in, every agency, except for the Metro Police, said they had sufficient forces to
6 execute their mission, and there was no requirement for the National Guard.

7 Q And those were in the interagency calls prior to January 6th?

8 A Yes.

9 Q Let me go back to one more thing before we move on to another topic, but
10 in terms of the intelligence piece --

11 A Yeah.

12 Q -- and with the overlay of the request for the D.C. National Guard.

13 If there had been a joint intelligence bulletin issued by the Bureau and DHS about
14 a significant likelihood of violence at the Capitol, would that have impacted the
15 preparation of the Army, without a request? In other words, would you have prepared
16 the D.C. National Guard because of a threat assessment that existed, or would you not
17 have done anything without a request?

18 A Well, if I saw there was -- we would not have done anything without the
19 request.

20 Q Okay.

21 A That's probably the best way to describe it.

22 When it comes to the military and domestic law enforcement or domestic
23 intelligence gathering, you know, we don't get involved in domestic intelligence gathering
24 and we don't be respond to domestic situations unless there's a formal request from the
25 appropriate authorities and we have that approval.

1 Q What if it was the request that you had, the December 31st request from the
2 mayor --

3 A Yeah.

4 Q -- and there had been a joint intelligence bulletin issued about the significant
5 likelihood of violence? Would you have then prepared differently?

6 A Well, we might have had a discussion. I'd say, what are you doing, you
7 know, to get out -- I mean, but some of that discussion is ongoing anyway.

8 I mean, this is where, as you deal with different agencies, the military does things
9 differently. And maybe it's based on the experience of being involved in a lot of
10 combat-type operations. But we would apply, you know -- we have pretty much a
11 standard process on how we do business.

12 You talked about, we do mission analysis. We take a look at, you know, all the
13 intelligence coming in. And then we determine, you know, what tasks are we given.
14 You know, so what would be the task that -- you know, we're going to defend the Capitol,
15 we're going to do these type things. And then we would apply the appropriate
16 measures based on the intelligence that we had. And then we would look at
17 contingencies of what we would do if this happened, or how would we do this. And
18 then we'd apply the appropriate forces to do this.

19 In this case, which is different, the way we operate in this environment is, we are
20 what we would call a force provider. You tell us that you want, you know -- and, ideally,
21 we have this discussion. We would prefer to get missions from, you know, law
22 enforcement. You want us to establish 30 checkpoints. Okay. We know what that is.
23 It takes three people, it takes this much.

24 Q Uh-huh.

25 A But we don't go: Hey, we're looking at this stuff.

1 Now, where we might be concerned and we were kind of concerned: you know,
2 the fact there could be violence. You know, the mayor said she did not want our
3 soldiers armed. And so the way we respond to that is, first of all, we give them
4 equipment, because, you know, well, it's -- you're telling us they can't be armed. We
5 want law enforcement with them that is armed. Okay? If you're going to put our
6 soldiers out there and there's potential threat, we want law enforcement that's armed
7 with them so they could handle any type of situation.

8 But, at the same time, that's why the soldiers had their helmets and vests, so if
9 someone -- you know, if someone came up with a weapon and started shooting at them,
10 at least they have some type of protection, and then they have a police officer.

11 But that's what we're looking at. We weren't looking at -- you know, I mean, the
12 military was not given the mission to defend the Capitol.

13 Q During the summer, was the military given the mission to defend the Federal
14 monuments?

15 A Well, it was both. I mean, if you look at -- a lot of those were law
16 enforcement too.

17 Q Uh-huh.

18 A There was -- in fact, many of the monuments were defended -- the lead
19 agency was a Federal agency. Now, you know, some of the Federal agencies look like
20 they're wearing military-type --

21 Q Right.

22 A -- equipment. But there was additional support given to law enforcement
23 in some cases to be around the Martin Luther King monument, the African museum, all
24 those things, you know, because people were concerned about, you know, the
25 monuments -- all the monuments, not just Lincoln --

1 Q Right.

2 A -- you know, Martin Luther King monument and everything else, someone
3 defacing them. So there was security put around the monuments.

4 Q And we've heard a lot about the mission of manning traffic points. If the
5 mission or the request had come in to defend the Capitol, would that have resulted in a
6 different kind of mission analysis from the Army?

7 A Absolutely.

8 Q Okay.

9 Let me try to go back. This has been very informative. I'm trying to hit some of
10 these topics that we want to get through.

11 A Yeah.

12 Q You talked a lot about, you know, after-action reports and the lessons
13 learned. I think I provided you exhibit 38. It's the report of the U.S. Army operations.
14 And part of that report talks about some of these lessons learned from the summer
15 protests.

16 A Yeah.

17 Q I just want to talk, you know, briefly about the criticism DOD received for
18 some of the tactics they used and how that directly impacted January 6th preparations.

19 A Sure.

20 Q And if it's helpful, from prior interviews, if you kind of went through the --

21 A Sure.

22 Q -- January 4th letter to --

23 A Right.

24 Q -- Secretary McCarthy and Secretary Miller, but feel free to just talk broadly
25 about, what's that direct connection that happened from this --

1 A Well, I think the direct connection -- one of the things that we were criticized
2 for was low-flying helicopters. And, you know, this is where guidance to the units that
3 are going to operate -- because if you take the idea -- and this is how the National Guard
4 sees it.

5 Okay, we are what we would call a force provider. Our job was the -- and I can't
6 remember if it was the Park Police, but one of the law enforcement agencies requested
7 helicopters, okay? So the helicopters were, you know, used. The Secretary of the
8 Army thought the helicopters were going to be up flying high, you know, and just in a
9 position, just like, you know -- so you would know where things were going on, very
10 similar to what, you know, a local TV helicopter would do, is just showing you what's
11 happening so you have an idea of what's going on. Those helicopters requested to fly
12 low, and that became a problem.

13 And then, as we did our after-action reviews, we said, well, how could that -- you
14 know, that's not what we would want them to do; how did that happen? Well, that's
15 what law enforcement requested that they do.

16 So, as we give, you know, various agencies military support -- and, you know,
17 same thing from the mayors -- there's restrictions. It's kind of like, here's where you can
18 operate in, and if you're going to do something differently, you need to come back to us.

19 And, really, that's the way the requests came in. The requests came in that they
20 did not want people on -- I mean, that they would wear certain types of uniforms with
21 vests and it would be a very low military signature, the coordination that was done. And
22 so that's what the military did. The military responded -- it didn't go and give more.

23 But that was based on the summer too, the idea that, you know, we have to be
24 very, very careful, I would argue, when you employ military forces, especially if they're
25 armed. Because, you know, if you put crew-served weapons or you put

1 weapons -- these are combat weapons. They're not designed for law enforcement.

2 And you may get results that you don't want.

3 Q In your opinion, from having seen what happened in the summer and the
4 events of January 6th, did that criticism or scrutiny that DOD received because of that
5 response lead to any reluctance to respond to January 6th?

6 A Well, I think, you know, DOD wanted to make sure that it was very clear that
7 we were responding to the request almost to the T. You know, this is what you asked
8 for, and this is exactly what we're doing. And, you know, it wasn't like we were looking
9 for different mission-type things. It said, you requested these traffic control points, you
10 requested these Metro stations, you requested the civilian support teams and a small,
11 very, very small, quick reaction force, and here is exactly what we're doing.

12 And we are meeting all the requirements of the legislation that was out based on
13 from the summer, that, you know, nametags be worn in a certain way, the vests were
14 worn a certain -- so DOD tried to comply exactly with what was asked for.

15 And, again, that was a lesson learned from the summer. We didn't want to have
16 situations where -- you know, there were no helicopters. We did not fly -- there were
17 no helicopters involved. There were no fixed-wing airplanes flying over. It was
18 just -- you know, we were very, very careful in making sure that we did, you know, exactly
19 what we were requested.

20 Q Before I move on from the summer, just the comparison, you talked about
21 the concern that was raised within leadership about, kind of, having soldiers respond to a
22 domestic incident, whether it's for January 6th, the military response to a law
23 enforcement situation.

24 A Right.

25 Q Was that same concern raised during the summer as well?

1 A Yes.

2 Q Okay. Within the Army leadership?

3 A Absolutely.

4 Q General Walker, as you know, testified at a Senate hearing. And he stated,
5 in response to a question about whether the "optics," is the word used, of the uniformed
6 presence during the summer, that it was, quote, "never discussed in the June, it was
7 never discussed July 4th when we were supporting the city, it was never discussed
8 August 28th when we were supporting the city."

9 A Yeah.

10 Q Do you have a response to that or, you know, an explanation?

11 A Well, I think, if you know what happened during the summer, we alerted the
12 82nd Airborne Division, and we had the 82nd Airborne Division on the outside of the
13 districts. And, again, they are Active Duty. You know, they could not be committed
14 without the Insurrection Act. And, you know, many of us had strong feelings, or at least
15 recommendations, that the situation didn't warrant the employment of the 82nd
16 Airborne Division, and we didn't do that.

17 So I'm not going to say -- I just think that, when it comes to deployment of
18 military, I personally feel it should be the last resort and only in the most extreme cases.

19 And even as you look at law enforcement, ideally you start with local law
20 enforcement. Let the local police handle it. If they can't handle it, maybe you have
21 the State. If the State can't handle it, have Federal law enforcement and its various
22 agencies. And then, if they can't handle it, have the National Guard. And then, when it
23 gets to Active Duty troops, I think, you know, it better be a very extreme case.

24 Q You mentioned the Insurrection Act. And there were obviously media
25 reports --

1 A Yeah.

2 Q -- that President Trump had prepared the Insurrection Act proclamation.
3 Were you aware of that? And can you just describe some of the discussions that were
4 happening within the Army leadership?

5 A Yeah, I can't really describe, you know, what was going on. There's other
6 people that you've probably talked to that had the opportunity. I was not, you know,
7 involved in those type discussions.

8 I was involved in -- or at least my recommendation, my best military advice, was
9 the situation didn't warrant the employment of Active Duty troops from the 82nd
10 Airborne Division with weapons. That was my recommendation.

11 Q Did you give that recommendation to Secretary McCarthy or to Secretary --

12 A I certainly talked to Secretary McCarthy. I talked to General Milley. But
13 that was the general feeling of most of the military, was that that type force was not
14 warranted.

15 Q And when you say that was your best military advice, what was that based
16 on?

17 A Well, it was just based on taking a look at the situation. But, more
18 importantly, putting Active Duty troops with combat weapons into a domestic situation
19 and then, you know, kind of thinking, what does that look like, and, you know, how do the
20 American people respond if we had, you know, soldiers involved in using lethal force on
21 the streets of Washington, D.C.? I think that should only be used in the most extreme
22 cases, and I didn't think we were at that level.

23 Q On June 3rd, 2 days after the incident in Lafayette Square when Secretary
24 Esper and General Milley went to Lafayette Square with the President, as you're aware of,
25 Secretary Esper issued a statement during a Pentagon news briefing that said, "The

1 option to use Active Duty forces in a law enforcement role should only be used as a
2 matter of last resort and only in the most urgent and dire situations. We are not in one
3 of those situations now. I do not support invoking the Insurrection Act."

4 Were you familiar with this statement when he provided it?

5 A Well, I've seen the statement, yes.

6 Q Were you involved in any way? Did your best military advice to Secretary
7 McCarthy and Secretary Milley inform that statement in any manner?

8 A Well, you'd have to ask Secretary Esper, but I stand by my recommendations
9 during that timeframe, which are similar. You know, I didn't get into the Insurrection
10 Act, but I did not think that the situation on the streets of D.C. warranted the
11 employment of the 82nd Airborne Division with weapons or lethal force. I just didn't
12 see that.

13 And you always -- when you employ military forces with lethal force, you have to
14 be prepared to accept what could happen. And, you know, anytime you have weapons
15 with ammunition, there's a chance that, you know, something's going to happen, and
16 then, you know, we could have a situation that I don't think would be best for the Nation.

17 Q Apart from Secretary McCarthy and Secretary Milley, did you share your best
18 military advice with anyone else within Army leadership?

19 A Within Army leadership? I mean, that's the leadership. So, I mean, I
20 guess, when I look at the leadership, that's only --

21 Q Right.

22 A As far as, I mean, with the staff? Probably no. Yeah. But as far as Army
23 leadership -- you know, I work for the Secretary, so the Secretary takes --

24 Q Yeah, okay. There's no more Army leadership.

25 A There's other Army leaders that would've been -- and I think it was

1 important, though, that they knew where the chief of staff of the Army stood on these
2 type issues.

3 Q Sure.

4 A So as I'm talking to leaders, you know, I, you know, give my -- what we
5 believe. So, yes, other leaders would've known where I stood on that issue.

6 Q Sorry. What was --

7 A I guess that's the best way to describe it.

8 Q Right.

9 A And I don't know if I did talk to Secretary Esper exactly, but, I mean, I
10 could've talked to him too. I just don't remember.

11 You know, within that leadership of OSD, I think most of us were at the position,
12 you know, where we thought that the employment of the 82nd Airborne Division was not
13 required at that time.

14 Q Was there anyone who voiced a differing opinion about the Insurrection Act
15 or deploying the 82nd Airborne?

16 A I'm not aware of anybody. I was not in the inner-type, you know,
17 discussions that were going on.

18 Q Okay.

19 The June 3rd statement by Secretary Esper, did you view that favorably or as a
20 necessary step that the Secretary had to state that publicly?

21 A Oh, I wouldn't judge. I don't think it would be appropriate to say. You
22 know, I know what my feelings were. And how the Secretary tried to voice what he
23 did -- I mean, there were certainly concerns from Lafayette Square, and how they wanted
24 to deal with that in the media space is certainly up to them.

25 [REDACTED]. Do you have any questions for him?

1 [REDACTED] No.

2 BY [REDACTED]

3 Q On November 9th, Secretary Esper was fired by former President Trump in a
4 tweet, days after the election had already been called in favor of Joe Biden. How did
5 that impact the Department, Secretary Esper's dismissal?

6 A Well, we had a new Secretary of Defense, Acting Secretary of Defense.

7 Q Was there a sense within Army leadership or yourself that because Secretary
8 Esper had spoken out against the Insurrection Act that he would ultimately be dismissed
9 by President Trump?

10 A Well, I'm not sure that's why he was -- I mean, I don't know why the
11 President decided to dismiss. I think we all know that we serve at the pleasure of the
12 President of the United States, and he can determine who he wants his staff to be.

13 You know, it was 2 months left in the administration. Secretary McCarthy and I
14 were, you know, going to do the right thing the right way in the Army. And so, you
15 know, that brought on an Acting Secretary. And so Secretary Miller come in and
16 continued to operate in that environment until, you know, we changed over on
17 January 20th.

18 Q Was that unusual, to have a change in the Secretary during a time of the
19 administration change, meaning there's, as you said, 2 months left?

20 A Well, you know, I was looking at -- you know, I'm just thinking, like, during
21 that 4-year period, we had six Secretaries, I think -- three Senate-confirmed and three
22 Acting Secretaries. So people were changing during that time period at a fairly
23 significant rate.

24 [REDACTED] I realize it's 10:39. Do you need to take a break?

25 General McConville. No, I'm fine. No. No.

1 [REDACTED] Okay.

2 Are you --

3 The Reporter. I'm good.

4 [REDACTED] Okay.

5 [REDACTED]

6 Q Around this time of when Secretary Miller was appointed, as you said, Mr.
7 Kash Patel became his chief of staff. Did you work with Kash Patel in any manner?

8 A Not really. I think I was in a meeting or two that he was at. But, other
9 than that, I really don't have much interaction at all with him or really an informed
10 opinion about him that I know personally.

11 Q The prior Secretary of Defense chief of staff, Jen Stewart, were you in
12 contact with her or have interactions with her based upon --

13 A Yeah, I knew Jen from a previous timeframe because she was the HASC staff
14 director from before. And, you know, over a year and a half, you know, I certainly had
15 interactions with her.

16 Q But were you familiar with Mr. Patel prior to his appointment?

17 A I was not.

18 Q Did you know of his, kind of, reputation of being a loyalist to the former
19 President?

20 A Well, I wouldn't -- you know, he's a political appointee. I'm not going to get
21 into what level of loyalty goes with a political appointee.

22 Q Did you work with Ezra Cohen-Watnick at all?

23 A No, I did not.

24 Q There is also media reporting about a November 11th memo that the former
25 President attempted to issue to withdraw from Somalia and Afghanistan by January 15th.

1 Are you familiar with that public reporting?

2 A I'm -- now, open-source, I am. I've read some books that describe it.

3 You know, I do know that, you know, we did execute a mission from out of
4 Somalia. So that was done.

5 Q And was that as a result of the November 15th order?

6 A Again, I have not seen --

7 Q Okay.

8 A -- that letter. I do know that, you know, the administration wanted to
9 come -- I mean, you know, they wanted to come out of Afghanistan, they wanted to come
10 out of Somalia, and there were other places that they wanted to bring troops home from.

11 Q But were you -- is the reporting about this unvetted memo by DOD, is that
12 accurate reporting, based on what you know? I just want to clarify what you know from
13 open sources and what you actually --

14 A Well, I --

15 Q -- have direct knowledge of.

16 A Yeah, I would ask General Milley on that one.

17 Q Okay. So you have no personal knowledge about this memo that has been
18 described in open-source reporting?

19 A I know there was -- I have, you know -- because I know there's a memo now
20 because I've -- but I have not seen that memo. And I know there were discussions. In
21 fact, we did execute the fact -- I don't think it was executed off that memo. That's
22 what --

23 Q Okay.

24 A -- I was trying to describe. Because there's -- I'm aware there's a memo
25 right now, because it's out, and those type things.

1 So I guess, when you ask me, I don't think the memo drove what we did, because I
2 think the timeline was too fast. I think, you know, when you take a look at, come out of
3 Somalia, at least what I think the memo said, December 15th and then come out of
4 Afghanistan, I think it was, like, January 15th, you know --

5 Q Uh-huh.

6 A What I do know what happened was, we went into the planning -- or,
7 actually, the AFRICOM commander did and came back with a plan to bring the forces out
8 of Somalia, which we actually did execute.

9 We did not execute Afghanistan. Afghanistan took more time. But that did set
10 us on a course to do those type things.

11 Q So I don't want to put words in your mouth, but --

12 A Yeah.

13 Q -- you did not see a memo, but there was a plan that occurred in that time
14 period. Would it have been under Secretary Miller?

15 A Yes.

16 Q To withdraw from Somalia.

17 A Yes.

18 Q Okay. And were you involved in that planning?

19 A Well, as the Joint Chiefs, yes. I mean, you certainly see the plan. You
20 know, you're briefed on the plan, and you have an opportunity to give advice on that.

21 And, again, the way that works is, the combatant commander is given, you know,
22 a guidance to come up with a plan. So, basically, what happened is, you know -- the
23 thing is, that does take time. So it was like, okay, you're giving an order to come out of
24 Somalia, which is a legal order. You know, you want to bring the troops home. And
25 then the combatant commander and his staff will come up, and they will actually plan,

1 this is how we're going to do it. You know, it's going to require this many airplanes.

2 Q Uh-huh.

3 A And then we get to look at the plan, and we say, hey, what if -- and then we
4 kind of sharp- -- not sharp-shoot it, but we go: Hey, what about this? How are you
5 going to handle that? Do you want to put this force in? I wouldn't recommend you do
6 this.

7 And then, you know, there's an agreement on what the final plan is going to be,
8 and then the plan goes into execution. And that's what actually happened in Somalia.

9 Q Was there any discussion about an order coming from an outgoing President
10 to withdraw troops from a country in what would've been a 2-month timeframe, in terms
11 of the timing of the order?

12 A No, at least not that I'm aware of, as far as come out of -- three
13 administrations wanted to come out of Afghanistan. So the idea that we were going to
14 come out of Afghanistan and the fact with the Doha Agreement, it wasn't really a
15 question of, you know, if; it was a question of how and when and what the conditions
16 were and those type things.

17 Q Had there ever been planning prior to withdraw from Somalia?

18 A I don't -- I'm not aware of a complete withdrawal. There was
19 certainly -- you know, there was always discussions about reducing the troop strength
20 overseas in many of those places.

21 Q But the order to execute was post-Secretary Esper, under Secretary Miller.
22 Is that fair?

23 A Yes. I believe that's correct. I mean, I want to --

24 Q Okay.

25 A Because I know there's that letter, you know, but the idea -- because a lot of

1 type things is -- but when it comes to us, you know, it was, hey, you know, this is -- it
2 comes back into the Joint Chiefs, and usually it's a plan to -- come up with a plan to come
3 out of Somalia.

4 And that's what people did. They back-briefed the plan, people looked at it, and
5 then the plan was executed. And it was actually, you know, executed fairly well. I
6 mean, you didn't hear about it, did you? I mean, we came out of it --

7 Q No.

8 A Yeah. So, I mean, it was actually a fairly -- it was a very thoughtful plan that
9 went through all the different contingencies and what we would put in. And, again,
10 when you're leaving someplace in a contested environment, that is a challenging plan.

11 But, you know, General Townsend and his team did a very good job of putting a
12 plan together. People executed it well. And we followed, you know, the legal orders
13 to execute what we did.

14 Q And was it done before January -- was it done in the timeframe that was
15 requested of December 15th?

16 A I think it was later. I think -- you know, that was -- when we came back and
17 did all the planning -- I'd have to check. I'd have to come back to you.

18 Q Okay. I'll google it.

19 A Yeah. I mean, it was done -- I only remember it was done within that
20 timeframe and it was done very well.

21 Q Under President Trump.

22 A Yes.

23 Q Okay.

24 I'm going to move forward to mid-December.

25 Are you familiar with retired General Michael Flynn's comments to Newsmax

1 about advocating martial law and using the military to decide the election?

2 A I am.

3 Q Okay. I think I provided you exhibit --

4 A You did. I remember. Yeah, yeah. Okay.

5 Q I think it's exhibit 2 and 3, generally about the statement, and you signed off
6 on the DOD statement. And it's my phrase that you signed off on it. You can describe
7 the process, but --

8 A Yes.

9 Q -- the statement ultimately was, "There is no role for the U.S. military in
10 determining the outcome" of the election.

11 How did this letter from the former General Michael Flynn impact the
12 Department?

13 A Well, I think, if you go to annex No. 2, you'll see a statement. And basically
14 what you see is a request from Curtis Kellogg, who is my public affairs officer.

15 Q Uh-huh.

16 A And on December 18th or so, I was actually overseas, so I was traveling in
17 the Middle East, doing, kind of, the Christmas tour. I was in Italy, Kuwait, Qatar, Tunisia,
18 Spain during that timeframe. And I got, you know, basically an email, or, you know, I
19 might've talked to Secretary McCarthy. And basically what it says -- and I think this is
20 true -- is, you know, the national media was querying the Secretary on General Flynn's
21 comments about using the military to help decide the election. And, you know, national
22 media was coming to us, saying, you know, are you going to, you know, support -- I mean,
23 a lot of questions. Well, what are you going to do? This, this, and this.

24 And, you know, in discussion with the Secretary, we agreed that, you know, in
25 order to, you know, be in a position to respond to all the questions, that we would say

1 that there is no role for the U.S. military in determining the outcome of an American
2 election.

3 That's what we said. That's what we responded. And we stand by that
4 statement. It seemed like a pretty, you know, straightforward statement. But that's
5 what we said.

6 Q So it was a result of, kind of, these --

7 A There was a lot of media out there. I mean, because, you know, it
8 was -- usually we wouldn't comment, you know, "No comment." But the national media
9 was, you know, asking the Secretary, and the Secretary talked to me, and we said we'd
10 put out a joint statement.

11 And I stand by that statement, that the military has no role in determining the
12 outcome of an election.

13 Q Was there a growing concern within the military about, kind of, the
14 politicization of the Army in terms of now we're in a post-election world?

15 A Well, I think, you know, as chief of staff of the Army, you know, I believe we
16 need to stay out of politics. And that's, you know, very, very important to maintain the
17 trust of the American people. The American people have got to believe that we're going
18 to do the right thing the right way, and that's what we intend to do.

19 Q I'm now going to shift towards January 6th. I know we spent some time
20 talking about it, but just to get a level of clarity from you about the letter particularly from
21 Secretary McCarthy --

22 A Sure.

23 Q -- to General Walker.

24 A Okay.

25 Q We talked a little bit about the mayor's initial request for unarmed troops at

1 traffic points.

2 A Yeah.

3 Q And just to kind of summarize what you said, it was a very limited request,
4 and the Army responded to the request to a T, essentially, right?

5 A That's what I was intending, yes.

6 Q So that was exhibits 5 and 6. And you walked us through the process of
7 what happens with that request when it comes in.

8 A Right.

9 Q Exhibit 8 was, kind of, the mission analysis that was conducted. And we
10 talked a little about that and, kind of, the planning that happened soon after.

11 I want to turn to exhibit 14. And you did speak about this in terms of our
12 discussion about the lead Federal agency, but exhibit 14 talks about this explicitly.

13 Now, this is January 2nd. "Roger DAS," which I've learned --

14 A That's a direct -- "Roger" in the military means -- you know, what you see is,
15 you see a note from the Director of the Army Staff, Walt Piatt -- a great officer. And
16 what he's saying is, hey, here's the attached -- you know, and what I'm doing is, "Roger"
17 in the military means "I understand." And that's his title, the Director of the Army Staff,
18 so we just call him "DAS." That's, like, an acronym.

19 And then I'm giving guidance here, you know, at least my advice --

20 Q Uh-huh.

21 A -- to the staff. And, really, what I'm trying to do is set -- you know, what
22 the Army staff does is, we provide plans for the Secretary of the Army. So we're the
23 planning staff.

24 And so what I'm basically telling the Director of the Army Staff is, "It's very
25 important we have a well-defined plan for the Secretary of the Army if the decision is

1 made to commit the D.C. Army National Guard. Local, State, and Federal law
2 enforcement should be committed first and then, only at the last resort, the D.C. Army
3 National Guard in a well-defined support role."

4 So that's just kind of setting the table for, you know, how we want to employ the
5 National Guard.

6 Q Right. So that is January 2nd, which -- it appears, I think, at 10:44 p.m.

7 At the end of January 2nd, it appears there's still no decision made about whether
8 to honor the request from the mayor.

9 And then, the next day, you have a 1:00 p.m. interagency call with Secretary Miller
10 with select Cabinet members. Were you on that call, sir? I can't tell, really, from the
11 DOD --

12 A Let me see which -- because I probably -- I was on some of those calls. I
13 just have to see which one. Which day was that, the 3rd?

14 Q This would be at 1:00 p.m. on January 3rd. It's an interagency --

15 A Right.

16 Q -- call with Secretary Miller, Cabinet members, discussing DOD support to
17 law enforcement agencies, the potential --

18 A I was on one of those type -- I listened in on one of those calls. I'm not sure
19 if that was the call, but --

20 Q Well, in the Army report, provided as exhibit 38, it states, "On January 3,
21 during an interagency meeting hosted by the White House, the Department of Justice was
22 designated as the lead Federal agency for the planned First Amendment demonstrations
23 on January 5-6."

24 Did you learn that, according to the Department of Defense, the DOJ was
25 designated during that phone call?

1 A I did know that they were the, you know, designated lead. I'm not sure if
2 that was the phone call --

3 Q Sure.

4 A -- whether it was done or not.

5 Q Do you know who designated the Department of Justice to be the lead?

6 A I do not. You know, I was -- you know, I don't know if it was the National
7 Security Advisor. I'm not quite sure how that is orchestrated, you know, if the President
8 goes, you know, "You are the one," or the National Security Advisor does it, or the chief of
9 staff for the President, or -- but, no, I don't know.

10 Q But, on that day, the concern that you had about the lack of a lead Federal
11 agency and the concern Secretary McCarthy also shared about that, was that concern,
12 that condition, met on January 3rd, as far as you can remember?

13 A It was -- it's -- you know, ideally, it met their requirement, there was a lead
14 Federal agency. Again, if I was going to coach and provide advice, I would like to see the
15 lead Federal agency develop an integrated security plan, do rehearsals, do all those type
16 plannings. I think we would've had a better response if that was done.

17 And I would recommend as a lesson learned that that is something that, you
18 know, we should, kind of, learn. Hopefully people will learn from -- you know, because
19 we've said that many times, this is what we think should happen. Hopefully someone
20 will come back and say, if there's going to be something, there needs to be a lead Federal
21 agency and this is how it needs to --

22 Q Uh-huh.

23 A Because someone has to orchestrate all the different agencies.

24 And, you know, we talk about -- in the military, we like to have what we call unity
25 of command. And so, you know, you could look at one person and say, who is

1 responsible -- you know, let's say we're having a different situation. This thing
2 happened, and you want to -- okay, who was responsible for defending the Capitol or
3 defending this whole thing that happened?

4 Q Uh-huh.

5 A It's hard to say. You know, I mean, if people -- in a perfect situation, you
6 would go, "You," somebody, "are" -- because that's the way we do it in the military.

7 You know, when I was in Afghanistan, you know, I was the commanding general of
8 the 101st Airborne Division. I was responsible for securing and defending, you know, 53
9 bases, but a big one that people know about is Bagram. It was a very, very big base that
10 we had there, you know, about the size of the District of Columbia. And, you know, I
11 had about 2,000 soldiers that were responsible for defending that against an active
12 enemy. So, if something went wrong there, you didn't need to try to figure out -- you'd
13 just come right to me --

14 Q Right.

15 A -- as the commanding general of the 101st Airborne Division.

16

BY

17 Q General McConville, I appreciate that very much.

18 Would it ever be appropriate, in your view -- and, again, we're talking prospective
19 and hypothetical -- for the Army or the Department of Defense to assume the role of lead
20 Federal agency in a strictly domestic potential mass disturbance event like January 6th?
21 Or would that be inconsistent with --

22 A Well, you want my personal opinion?

23 Q I do, yeah.

24 A I think the military certainly has the capability of doing that. You could
25 probably do it extremely, extremely well. The problem is, I personally -- my personal

1 beliefs are, the military should protect the Nation. It shouldn't police the Nation. It
2 shouldn't be involved in law enforcement.

3 We have checks and balances in our Nation, I believe, for a reason. And, you
4 know, I believe in our military, and I believe in the leadership, but I think the checks and
5 balances that this country has put in place we should keep. It makes it a lot harder to
6 do --

7 Q Yeah.

8 A -- you know, but I think, you know, with this thing that we call democracy,
9 having the checks and balances in place, although sometimes they can be frustrating and
10 bureaucratic --

11 Q Right.

12 A -- I think are best for the Nation.

13 Q Makes perfect sense to me.

14 So maybe a sweet spot is, the Army and the DOD resources are brought to bear in
15 the discussion, in the planning, in the training, but ultimately the decisions should be
16 made by a lead Federal agency that is not DOD.

17 A Yeah. And I truly believe in civilian control of the military.

18 Q Yeah.

19 A I really do. And, I mean, that's not -- and sometimes it can be harder. You
20 know, it'd be easier if we could just go -- but that's -- for the country, for the Nation --

21 Q Yeah.

22 A -- having civilian control of the military and the checks and balances that are
23 in place, I think, are really important.

24 Q No, I take your point completely. It's just a question of how best to utilize
25 your vast experience without it taking over that -- or violating that principle.

1 A Yeah, because, I mean, you know, if you take a look at -- I mean, the military
2 certainly has the capability to do these type things. But we can help law enforcement.
3 It's just, you know --

4 Q Yeah.

5 A And I do think, you know, the American people want to see law enforcement
6 do those type things.

7 Q Yes.

8

9 Q Do you think -- there's been so much comparison about the -- let me just
10 start with --

11 A Yeah.

12 Q -- the next sentence in the report says, "However, unlike in June 2020, the
13 lead Federal agency did not establish and man an integrated command post, nor did it
14 take an active role in coordinating with MPD or Federal law enforcement agencies."

15 A Right.

16 Q So, obviously, it's clear that the Department of Defense feels like DOJ fell
17 short in its role for January 6th. And that's me summarizing this paragraph that's in the
18 review.

19 A Well, I'm going to let DOD characterize what DOJ did. I'm going to stay out
20 of that one.

21 Q In terms of, kind of, the perspective -- problem-solving aspect here,
22 if -- having spoken to many of the folks who were on that call in particular, from the Army
23 side as well as DOJ, there seems to be a disconnect about this phrase, "lead Federal
24 agency," the role, whether it should be coordinating, whether it's someone in charge,
25 whether it triggers an integrated security plan or the rehearsal.

1 A Right.

2 Q Would it be helpful, if a request comes in for the D.C. National Guard, that,
3 for lack of a better word, there's a checklist of, this is what we want and expect a lead
4 Federal agency to do?

5 A Well, what I would say is, the lead Federal agency has to be willing to be the
6 lead Federal agency. And it's something -- you know, because there's a lot of
7 discussions about how this could be orchestrated, but if you're going to do a very
8 complex, what we would call an operation -- that's what defending the Capitol when it's
9 being contested is, or even some of these large demonstrations that could turn
10 violent -- you have multiple jurisdictions here, and someone has to be, we would like to
11 say, in charge but at least somewhat, you know, the lead sled dog or herder. Someone
12 has to get everyone going in the right direction. Someone has to accept that
13 responsibility.

14 The military makes it very easy, because we just put a commander in charge.
15 You know, we say, you're responsible and accountable. But, you know, interagency, law
16 enforcement is very, very different. And so then you have to try to get what we would
17 call unity of effort, so at least everyone shares the same idea. If not, you're going to
18 figure it out in a situation that is really not the best way to do it. And that's when you
19 have, you know, results that you really won't be happy with.

20 I know I'm kind of being -- but that's why, you know, these are really difficult
21 things to do, even by organizations that do it all the time. So, you know, if you don't
22 practice, you don't rehearse, it's like putting a -- you know, what professional sports team
23 would go to the Super Bowl and never practice with the players that they were going to
24 play the big game with?

25 Q Uh-huh.

1 A Think about that. And then what professional football team would go to
2 the big game and not have a coach that is at least telling the players what to do, and let
3 the players just -- like, it'd be almost like saying, go out in the field, you know, and just do
4 good stuff.

5 Q So, in comparison, when the Secret Service is in charge for the inauguration
6 as the lead Federal agency, what do they do?

7 A They had a very detailed, integrated plan. They were willing to -- they
8 brought all the players together. They showed everyone what the plan would be, and
9 they walked through rehearsals. And they took advice from us, you know, because
10 there was -- you know, there were a whole bunch of potential things that could've
11 happened on 20 January.

12 And, quite frankly, there was contingency after contingency, and there were plans
13 to respond to that contingency, which allowed, you know, the law enforcement agencies
14 or the military to apply the appropriate forces to do that mission.

15 So, you know -- let me see if I can stay out of the classified -- say you -- okay, I'll
16 just -- say you were anticipating some type of medical issue. You were able to have that
17 medical team, they were there. They knew what they were going to do. And, you
18 know, say someone got hurt or something happened. Okay. What do you do with
19 someone that got hurt here or something happened?

20 Well, the medical -- you know, there's a little hospital here or a field surgical team.
21 They pick up these people, they meet them over here. Everyone knows where the
22 medical station is, so if something happens, you're not trying to figure it out when we just
23 had someone get hurt.

24 Q Uh-huh.

25 A And there's a lot of other contingencies that probably, because this is going

1 to go open-source, I don't want to talk about. But you can think about some of the
2 things that could happen with sophisticated people that would want to disrupt the
3 inauguration. And, quite frankly, a lot of those things were planned for. There were
4 forces that were ready to respond to that. There were things put in place that would
5 prevent that from happening.

6 So, again, it was a very exquisite -- now, the other thing, it was very
7 well-resourced too. I mean, we put 25,000 troops in. We brought them in from the
8 National Guard, and they were all there. And we put the fences up, which, again, it was
9 a very secure environment, given what was going on there.

10 Q So, when we head towards January 6th, the day of, there's a number of
11 other interagency calls.

12 A Yeah.

13 Q Secretary Miller -- this was in the Senate report -- stated he brought up his
14 concern about certain groups, the Proud Boys, in attendance and the permits. He stated
15 General Milley brought up a concern.

16 A Yeah.

17 Q And at one of the calls -- each call, he was assured by law enforcement that
18 everything was -- they were assured that everything would be okay for January 6th.

19 Do you remember any type of interagency call where any concerns were brought
20 up about a potential likelihood of violence?

21 A No, I did not. I mean, there was, you know, kind of, chatter, so to speak, or
22 atmospherics. And, you know, I think -- and, again, some of this I can't remember, you
23 know, was it open-source, or how I remember it. But, you know, I think it was like, hey,
24 if there's going to be a problem, why are we giving them permits? You know, why are
25 we -- you know, there was some discussion of that.

1 But, again, getting back to the mayor and -- you know, the general feeling that I
2 saw in the calls that I was on -- and I wasn't on all of them, but I was on some of
3 them -- was, they had what they needed to do the job. And they were specifically
4 asked, too, you know, like, does everyone have what they need, as we kind of went
5 around, at least on the calls I was on.

6 Q Uh-huh.

7 A And then, you know, I go back to, on the 5th, from the mayor, coming back:
8 We've got, basically, everything we need, and don't introduce anything else that is going
9 to -- you know, without us directly. So, I mean, there was concern. If we understood
10 them, they did not want to, you know, have agencies on the streets that they were not
11 directly in control.

12 You know, so I think, when it came to the military, it comes back to, we met
13 the -- we did exactly what we were told to do, and we didn't try to do any more than
14 what we were expected to do.

15 Q I want to talk a little bit about the January 4th and January 5th -- the
16 January 5th letter from Secretary McCarthy to General Walker outlying the authorities for
17 January 6th. I think that's exhibit 41.

18 Before I get there, though, are you familiar with the January 3rd publication in The
19 Washington Post from the 10 living Secretaries of Defense --

20 A Yes, I am.

21 Q -- to refrain from any political action? Did that letter and, kind of, again,
22 the atmospherics as we marched towards January 6th, how did that play out with Army
23 leadership, and was it discussed?

24 A You know, I think that just shows the atmospherics, you know, when you
25 look at -- for us, the Secretary and myself, we were going to do the right thing the right

1 way. I mean, it didn't take a -- you know, I stand by that statement, the military has no
2 role in determining the outcome of the election. And I get plenty of emails, I get letters
3 that, you know, I failed because, you know, we didn't use the Army to do certain things.
4 But, you know, the American people can trust the Army are going to do the right thing the
5 right way.

6 But this was the atmospherics. You know, there was a lot of, you know, chatter
7 going on, those type things. And, you know, the fact that the Secretaries wrote that
8 letter, you know, I mean -- we were going to do -- it didn't take a -- I guess the way to
9 describe it, I was certainly, you know, exploratory, but, from the Army's standpoint, we
10 were going to do the right thing the right way.

11 Q You didn't need the letter to reinforce what you were going to do.

12 A No. No. The military, particularly the Army, was going to have no role in
13 determining.

14 And the Army, because we're on the ground -- I mean, the Navy, you know,
15 they're off -- it's hard to influence elections when you're out, you know -- it'd be probably
16 hard to do, or, you know, airplanes over the top. But the Army is going to be on the
17 ground, and that's where that could happen.

18 But the Army is going to play no role in determining the outcome of an election.

19 Q Exhibit 40 is the January 4th memo from Secretary Miller to McCarthy giving
20 the guidelines from the Secretary of Defense to Secretary McCarthy. So let's just start --

21 A Sure.

22 Q -- briefly with that one.

23 A Yes.

24 Q Now, in that, he has outlined eight restrictions.

25 A Uh-huh.

1 Q Before January 4th, did any such written guidance exist within DOD about
2 the employment of the D.C. National Guard?

3 A I'm not aware of a letter this descriptive, as far as the left and right limits of
4 the National Guard. But, as you said earlier, I think there was a lesson learned from the
5 summer, and, you know, there were hearings, there were investigations conducted.
6 And, again, we're a learning organization, and the lessons that came out was that we
7 need to provide a little more, you know, guidance on how they would be employed.

8 Q So --

9 A And --

10 Q Sorry.

11 A -- not only that, it was, their request came with guidance. If you look at the
12 requests -- you know, the requests that we saw were, okay, I don't -- if you look at the
13 mayor's -- again, I think all sides took a look at the summer and said, how can we do this
14 better? So, when it came time for the mayor and even these other Federal agencies to
15 request military support, or request Federal support, I think that, you know, they were
16 certainly taking the lessons learned from the summer.

17 That's why, when I think you look at the -- I can't speak for the mayor, but the
18 letter she sent us was very -- and the director of emergency services -- was pretty specific
19 about they will not do this, they will not do that.

20 Q Uh-huh.

21 A And what you're seeing is really the Secretary of Defense and the Secretary
22 of the Army capturing that request with the guidance in the request and then putting it
23 out for the National Guard.

24 Q So it's both, it's the request itself from the mayor as well as --

25 A Right.

1 Q -- some of these control measures were born out of the lessons learned
2 from the summer?

3 A Yeah, they were from the lessons learned, that's right.

4 Q So --

5 A And some of that was even from the National Guard soldiers, you know, as
6 far as the low-flying helicopters.

7 Q Right.

8 A I mean, basically, when that was looked at, they were following the
9 instructions they were given. And, you know, technically not something -- you know,
10 within the airspace, they had the authority to do that, but we wanted to make
11 sure -- even though you could, that's not the type of thing we thought you maybe should.
12 And that's, you know, how that was kind of true.

13 Q So was it unusual to have a memo for a D.C. National Guard request?

14 A I don't think so. I mean, I think it's probably smart --

15 Q Okay.

16 A -- to have a memo that lays out the guidance, because, you know, as we
17 came out of the summer, there were investigations, there were hearings. And I think
18 many learned that, you know, just like we're trying to remember what happened, you
19 know, a year ago, when you're being asked these type questions, it's good to memorialize
20 what the guidance was so you have something to go back to many years later.

21 Q Just starting with Secretary Miller's January 4th memo: "Without my
22 subsequent personal authorization, the D.C. National Guard is not authorized the
23 following: to be issued weapons, ammunition, bayonets; to interact physically with
24 protesters; to employ any riot control agents; to share equipment with law enforcement
25 agencies."

1 And, obviously, the helicopters is the one thing that you've spoken about from the
2 summer, but --

3 A Right.

4 Q -- there appears to be direct links on these other control measures to back to
5 the summer.

6 A Yes.

7 Q Can you describe that?

8 A Well, I think -- and I'd go right above it. "Use ISR assets to conduct ISR."
9 You know, the idea that you would use intelligence, that's one thing. You know, there
10 was an airplane flying over that they used during some of the demonstrations.

11 You know, I think the idea of, you know, the weapons and -- I mean, if you bring
12 weapons in, if you're going to give weapons, you've got to be prepared to, you know, take
13 on the consequences of what happens when someone shoots somebody. You know, I
14 mean, you've got to be prepared for that. If you're going to put soldiers with, you know,
15 ball ammo and you're going to give them, you know, guidance that they have for
16 self-defense -- so, if someone comes after them, now you start to get into what happens,
17 you know? You know, deescalation of force. And so you've got to be prepared for
18 those consequences.

19 And then you've got to, you know, take a look at and go, do you want American
20 soldiers, you know, shooting people on the streets of America?

21 Q During the summer, did the National Guard have weapons on them?

22 A They did have -- in some cases, they were armed, but their weapons -- I can
23 talk to you offline, but I'll just say, they were armed, but we have procedures of when
24 they actually use their weapons in, we call it escalation of force. And the status of their
25 weapons is determined by the commanders on the ground. So you may not have -- you

1 don't necessarily have bullets, you know, in the weapon.

2 I guess that's the best way to describe. Kind of, because I don't like to -- we're
3 careful about how we describe that, because part of the reason having weapons
4 is -- there's reasons why we do that.

5 Q Let me just ask about the last -- the January 4th -- the second-to-the-last
6 paragraph, it says that "at all times the DCNG will remain under the operational and
7 administrative command and control of the commanding general of the D.C. National
8 Guard, who reports to the Secretary of Defense through the Secretary of the Army."

9 At that time, was it clear that the Secretary -- who had the authorities over the
10 D.C. National Guard?

11 In other words, in the very beginning, we talked about D.C.'s unique position --

12 A Yes.

13 Q -- and the President oversees the D.C. National Guard.

14 A Right.

15 Q But, now, on January 4th, did the Secretary of Defense and Secretary of the
16 Army have those authorities over General Walker?

17 A Yes.

18 Q So there were --

19 A That's what I believe. I means, that's how I see it, yeah.

20 Q Okay. Was there any need to get any additional authorities on January 6th
21 once that power is given to the Secretary of the Army and Secretary of Defense?

22 A You mean for the President?

23 Q Yes.

24 A I don't think so.

25 Q The last paragraph --

1 A I mean, that's the way we saw it. I don't know if -- on the legal side, did
2 you -- I mean, I think it's delegated. I mean, I --

3 Q Okay. From your --

4 A From my perspective, there was no need to get any further than above the
5 Secretary of Defense.

6 Q The last paragraph says you employed a D.C. National Guard quick reaction
7 force only as a last resort and in response to a request from an appropriate civil authority.

8 A Right.

9 Q You spoke a little bit about the quick reaction force. And Secretary Miller
10 uses this phrase, "as a last resort."

11 A Yeah.

12 Q So can you explain what that means in practicality, in terms of when to use
13 the quick reaction force, based on that January 4th memo? Because it gets tweaked a
14 little bit with Secretary --

15 A Yeah. Well, I think when you look at the quick reaction force, you want to
16 make sure that you're using them within their capabilities.

17 And I don't know if you've had a chance to talk to General Walker or anyone else,
18 what the quick reaction force is. And I haven't had a chance to really delve into it, but,
19 you know, the report I got -- because I just asked the question, what was the quick
20 reaction force?

21 Well, it was supposed to be 40. It was actually 34 soldiers from the Air National
22 Guard. Sixteen of them were what we would call security personnel, who were more
23 along the lines -- and I think 18 were actually what we would call, you know, mechanics
24 and crew chiefs and logisticians.

25 So this becomes important because, you know, as people start to think about the

1 employment of a quick reaction force, you always want to employ them in line with what
2 their capabilities are. You know, if you're a medic -- you don't want a medic doing brain
3 surgery, you know? Because -- they could, but it's probably not what you want to do.

4 In this case, again, what's not shown here, the intent of the quick reaction force
5 was really to send these troops over to help if they had a problem at one of the traffic
6 command posts. Like I say, if we've got a whole bunch of stuff going on and we need a
7 few more people over here, that was the intent.

8 There never was an intent for a quick reaction force to go to the Capitol, to clear
9 the Capitol, to get involved in some type of contested clearing operation where you had,
10 you know, armed people involved. There was never -- at least from where I sat, there
11 was never any plan.

12 In fact, most of what I saw was, there was no plan to put any military anywhere
13 near the Capitol because of what we had said, the military has no role in determining the
14 outcome of elections. So there was a lot of reluctance even to have that discussion
15 about where the military would go.

1

2 [11:17 a.m.]

3 Q General Walker testified at a Senate hearing.

4 A Yeah.

5 Q And in his opening statement, because there was this discussion of, as a
6 layperson, you think a quick reaction force is --

7 A Yeah.

8 Q -- a quick, like a force that can go there quickly.

9 A Yeah.

10 Q And I appreciate you explaining that.

11 He stated in his opening statement, The standard component of such a unit is the
12 stand-up of an off-site quick reaction force, an element of guardsmen held in reserve with
13 civil disturbance response equipment, helmet, shields, batons, et cetera. They are
14 postured to quickly respond to an urgent and immediate need for assistance by civil
15 authority.16 Further in his statement, generally in substance, he believes those folks could
17 have gone there immediately, as well as the rest of the guardsmen that were supporting
18 the Metropolitan Police Department.

19 What's your response to his view?

20 A Well, first, I have very much respect for the D.C. National Guard. I mean,
21 they did a great job. Not only did they do it during this time, they did it during -- I
22 think, in some ways, is people have, you know -- it just takes time to do -- you know,
23 having been involved in a lot of type of operations and having been involved in operations
24 that maybe didn't go as well, and we've learned from is if you think about how -- so you
25 can say the quick reaction force, the quick reaction force was out at Andrews.

1 So, first of all, you have to bring that quick reaction force over. The quick
2 reaction force didn't have weapons. And so now, you've got to stop to think about, are
3 you going to put them into the Capitol where, again, there were gunshots fired, and that
4 35 people and 34 people are going to turn the tide, which is really interesting -- as I
5 watched this thing, people are going, well, you know, the guard was late or they were this
6 or this. We're going, do you think 34 people when there's 2,000 police officers, you
7 know, on the Capitol, 8,000 police officers and 2,000 marshals, but, for some reason, this
8 34, you know, personnel-size mechanics was going to turn the tide on what was
9 happening.

10 And even then, they can pretty -- you know, when you look at the timeline, at
11 least the way I look at it, at about 1430 is when this thing -- you know, we can argue, but
12 about 1430, and they were given the order to go, at least by our 1630, so it was 2 hours
13 to turn this whole thing, to get people in place, to bring -- you know, I mean, just think
14 about, right now we've got 30, you know, four-man teams out on street corners all over
15 D.C.

16 You have got to bring all of these people back that thought they were doing traffic
17 command, you know, things. They don't have the shields. Now, the quick reaction
18 force did, but now you've got to issue them all of this equipment, you know, where they
19 going to get together, you've got to get them on buses.

20 Q Uh-huh.

21 A And now you've got to bring them down to the Capitol. And when they go
22 to the Capitol, what do you want these people to do? Because some people would say,
23 Just go the Capitol. Just go help. Well, how do you want them to help?

24 And even in the discussion of who should do what, our recommendation, my best
25 military advice was have the National Guard reestablish the perimeter. Basically put

1 them in, you know, have them go with civilian, you know, kind of the civil defense
2 equipment and allow them to basically, you know, reestablish the perimeter around the
3 Capitol is secured. And that's kind of what they did, but that took time.

4 Q Uh-huh.

5 A I think when I testified before, I talked about to board an airplane, it takes
6 you 15 -- I mean, when you think about, you know, the National Guard about who we're
7 talking about, we're talking about 150 people. And just to get on buses, I mean, think
8 about, you know, in an aircraft, it takes up 15, 20 minutes just to get on an aircraft and
9 then to drive and move.

10 And the other thing, you know, with Secretary McCarthy, you think about the
11 Secretary, he drove to the Metro Police Station. They go, Okay, I've got the people
12 coming. You know, what he's doing is he's saying, you know, bring the guard back.
13 Let's get them in place. Let's get their equipment. Get them ready to go. I'm going
14 to go over and come up with a plan, because we've got to figure out, you know, what
15 we're going to do to try and solve this situation. And that was done in 2 hours, that
16 whole thing.

17 Q And I'm wondering -- and I appreciated the analysis of what happened in
18 those 2 hours from the request and the arrival.

19 A Yeah.

20 Q I wonder if you could explain, you know, the perspective of what was
21 happening on the ground there from General Walker --

22 A Yeah.

23 Q -- who stated, you know, in his opinion -- I'm summarizing the testimony I
24 have in front of me -- he would have immediately put all the guardsmen that were
25 supporting the MPD, and they had their gear in the vehicle, but they were equipped with

1 force protection, helmets, shin guards, body protection, and vehicles.

2 His position was 150 folks could have arrived in 20 minutes, and that would have
3 made a difference. But -- which is the counter to everything that had to be done in
4 terms of re-missioning, re-equipping, and authorizing weapons?

5 A Yeah. Again, I would be interested in his thoughts on that, how
6 that -- what would that look like.

7 Q Okay.

8 A You know, I mean, again, my experience is, you know, 40 years in the Army
9 commanding. Again, I'm not -- I'm not trying to --

10 Q And I'm not asking you to --

11 A No, I'm trying to criticize. I'm not going to -- it's all about, you know, risk
12 management when it comes to these type things, you know, and you can study some
13 military operations where, you know, we responded very, very quickly and, you know, we
14 have, you know, even elite forces that have lost their lives because, you know, sometimes
15 it's to have a little bit of tactical patience, where you try to, you know, make sure you
16 have a basic plan before you just rush right in there, and you will have better results in
17 the long term.

18 Sometimes -- what you want to be careful, at least from where I sit, is you don't
19 want to rush to failure, you know. Because the thing is, let's just say it's true, they could
20 have been there in 20 minutes. Everyone hopped in their vehicles, and they drove to
21 the Capitol and there in 20 minutes. How would they, you know -- so take -- you know,
22 someone just take one of the vehicles. They just rush to the Capitol. There's people all
23 over the place. And you're a, you know, Private E-4, great soldier in the National Guard,
24 what do you do? Go find somebody, you know. And you have your helmet and you've
25 got your vest. You don't have riot gear equipment. You've got your protection.

1 So what does that look like? You just park your car, and then you run up to the
2 Capitol and go, How can I help? And is the 120 people coming, and they're coming from
3 different roads, and they're showing up -- and there's roadblocks too. There's all of
4 these things going on.

5 And, again, I think maybe he probably was not wrong, they could have been 20
6 minutes. But what would have been the results of employing the force that way?

7 And, again, I would come back to that that is a way -- and I'm not going to, you
8 know, challenge that, that that could have happened, but what if there was people
9 shooting on the Capitol, and you sent the troops up there and they had no weapons?
10 Or, you know, you wanted them to clear and they don't have the capability? That's kind
11 of what you have to do is to command, think your way through it. You know, how can I
12 provide the best value to do that?

13 And I think, quite frankly, from what they did, you know, within 2 hours, they
14 went and they brought everyone back in. They brought a lot of folks in. I know he
15 wants to do more. But in some ways, you know, what I would say, from a military
16 standpoint, that's how long it takes to do things if you're going to do them pretty right.

17 And once they get up there and they had a good plan, they set the perimeter, they
18 kind of came with the stuff, and they cleared. Now, if we had -- the question from at
19 least the lesson learned is how could you do this better and still get the same results? I
20 would not advocate lesson learned that we're going to put people out there. I mean, if
21 the lesson learned is we should take people who are on traffic control points and just tell
22 them go straight to the Capitol, and that's the lesson learned, I would say that's not a
23 good lesson to be learning from what we needed to do.

24 Ideally, we would have had, you know, a plan that had various people to respond
25 to that type of capability.

1 Q And I think when we spoke earlier, that was the question, is what could have
2 gotten them -- the D.C. National Guard their faster, and you stated --

3 A Yeah. I mean, ideally -- you know, because the other thing too is, again,
4 some of these -- and, again, I can't speak for all the guardsmen because I don't know
5 who's on the checkbook. But some of these don't even live in D.C. You know,
6 some may, you know, not even know where the -- I remember going up and seeing, you
7 know, young guardsmen on the Capitol. I used to run up there on the weekends and
8 take -- you know, just check on the troops, see how they're doing, undercover boss in my
9 PT stuff. But what was interesting was a lot of those kids had never been in the Capitol.

10 So you think about this, you know, they wouldn't even know where to go, I think.
11 You know, I don't know. I mean, I go up to the Capitol a lot and you have someone take
12 you around, and you all work there, so you know it. But for people that haven't been
13 there, where do you go and what do you do?

14 And I think, again, we can take a hard look at that, but I would not recommend
15 that's the plan. You know, if we think that's a good plan, we didn't have a good
16 contingency plan to get those people up to where they needed to be.

17 Q I appreciate your walking us through the response to that.

18 A Okay.

19 Q I wanted to finish up the January 5th memo of Secretary McCarthy to
20 General Walker --

21 A Yeah.

22 Q -- which now includes this concept of operation before the QRF deployment,
23 which I think you mentioned this was a requirement that was kind of borne out of the
24 summer lessons learned in terms of having a control measure before any decision is
25 made. Is that fair to say?

1 A Yes. I think what would be clear to say is they were bound -- they weren't
2 unbounded in the employment of military forces. And I would recommend that we
3 always bound military forces in your employment. And especially, when you're acting as
4 a force provider, maybe, you know, giving those -- you're basically providing those forces
5 to someone that may not even know how to employ them, which may not get you the
6 results that you wanted to.

7 Q So Secretary McCarthy included this concept of an operations that was not
8 included in the Secretary Miller letter.

9 Do you know the reasons --

10 A Which one? I've got his letter here.

11 Q So the January 5th letter to General Walker --

12 A Right.

13 Q -- includes, at the top of page 3, I will withhold authority to approve
14 deployment of the D.C. National Guard quick reaction force and will do so only as a last
15 resort, in response to a request from civil authority. I will require a concept of
16 operation.

17 A Right.

18 Q So, again -- and I'm certainly not pitting General Walker's testimony against
19 yours.

20 A Sure.

21 Q It's more for you to have the opportunity to explain.

22 A Yeah.

23 Q He found that this concept of operations to be unusual. Was it unusual, or
24 is this typical as --

25 A Oh, for military, it's absolutely the way we do business. And so, I try to

1 understand like, you know, again, there's different cultures within even law enforcement.
2 You know, the military has learned from, you know, many, many types of operations.
3 Again, I don't want to judge General Walker, but I try to see perspectives. And the law
4 enforcement perspective that I'm seeing at least -- again, I'm not speaking for law
5 enforcement, but I've watched a lot of movies with law enforcement.

6 And, you know, I mean, I remember growing up as a kid, 1 Adam 12, you know,
7 respond -- you know, when you think about how I see -- I may be wrong, but how I see
8 police officers, you know, they're in their car, they have their equipment, and it's like,
9 Hey, we've got something going on here. You know, go over here, and they put their
10 lights on and they drive fast, and they get there very, very quickly, and then they try to
11 react to the situation.

12 The way the military operates is, you know, we tend to have -- first of all, we're
13 not sending one person in one car. We're going to send an organization. That's why
14 they like the military. They're going to come with a disciplined organization that is going
15 to have 250 people, or 25,000 people.

16 And for us, what we do is we come up with a concept of operation of what those
17 organizations are going to do. Part of the concept of operation, we expect you to do
18 this, this, and this. And then once we know that, then we can say this is the type of
19 equipment that you're going to need to do this, this, and this.

20 And I will take two kind of simple missions that were done on the Capitol on that
21 day. You know, one was clearing the Capitol, which is a -- and, again, at least what I
22 saw, was the FBI had their hostage rescue team up here. They're all kitted up, you
23 know, and they're going through. They are trained at a very elite level to come into
24 rooms where there's, you know -- people that are, you know, armed or insurgents or are,
25 you know, just being criminals and those type of things and to deal -- that's a very high

1 skill level. It's a difference between a medic and maybe a neurosurgeon. They operate
2 at that level.

3 You know, it's not a huge level to be part of failings where you're coming with, you
4 know, like the shields and helmets. You're basically -- you know, you line up and you
5 kind of stand there and, you know, you fit, you can do that type of thing. That's to
6 establish a perimeter. Those are two different tasks.

7 And even then you have to stop and think about it, but we think about it too.
8 When we put the National Guard in a civil disturbance role, which they do, we want
9 someone there with weapons, because what if someone comes up to them and starts
10 shooting them? And they don't carry weapons when they do that because when you're
11 in the phalanx, you don't want to have a weapon on you that somebody could grab and
12 do those types of things. So they're unarmed, even though they have the shields and all
13 those other type things.

14 So you have to start thinking through what happens, what are the contingency
15 plans? What if somebody gets hurt? So we do a concept of operation. We go
16 through this is the threat that they're going to face; this is their mission; this is what their
17 intent is; this is how they're going to get there; this is what they're going to do. Here's,
18 you know, what happens when someone gets shot; here's where the medical station is;
19 here's where they're getting food; here's where they eat; here's where they're going to
20 sleep. And then who's in charge? Who is responsible for doing that?

21 That's very different than saying, Just go there and figure it out. It's a different
22 philosophy. You can get there quicker, but our experience, certainly in military
23 operations, is in combat that doesn't work very well.

24 [REDACTED] I think we have come to January 6th, the day of, so we're kind
25 of towards the end here. Do you want to take 5 minutes before we start with the day?

1 General McConville. Whatever you want to do. Want to take a break?

2 Mr. Hayden. We can take a quick break.

3 General McConville. Okay.

4 [REDACTED] Thank you.

5 [Recess.]

6 [REDACTED]

7 Q Before we broke, we said we would begin with January 6th.

8 A Sure.

9 Q If you could just -- we have the timeline from the DOD. We have the
10 timeline from the Army. We also have the D.C. National Guard timeline.

11 If you could just kind of, maybe let's start around 1 o'clock that day. Were you
12 located at the Pentagon?

13 A I was, yes.

14 Q And according to the timeline, I believe it's the Department of Defense
15 timeline, the Secretary arrived 1:15, the Secretary of Defense was informed of
16 demonstrators, that they were beginning to march to the Capitol.

17 From your perspective, when did you become aware of kind of the activity at the
18 Capitol, around what time?

19 A I think for me it was right around 2:20, 2:30. I mean, you know, that's
20 when -- you know, there was certainly TVs were on, but we're actually in a meeting
21 schedule. It's kind of the way the Army works is, you know, we're not what we would
22 call an operational headquarters, you know. I mean, it's a big Army. We've got
23 worldwide events going on. The way the Army sees this is we were required to provide
24 this amount of soldiers, you know, 340 National Guardsmen. We have a two-star
25 general in charge, and, you know, they're providing that support.

1 And, you know, we get a report, hey, you know, they're out there; they're in the
2 right place; they're doing the right thing. And then we're on to running global
3 operations for the Army.

4 But around, I think it was about 2:30 there was a phone call that was made -- I
5 think this --

6 Q Right. So --

7 A Yeah, I think it was about 2:30 they made a phone call. And this is when
8 the support started to, you know, get at the serious level. In fact, what happened was I
9 think it was myself, the Secretary -- it was in the Secretary's office. The
10 Secretary -- because the calls come right to the Secretary. The Chief of Staff of the Army
11 really doesn't play in the employment of the National Guard, except as advisor to the
12 Secretary. You know, the Secretary will ask me to come in, Hey, what do you think,
13 Chief, based on my experience. But I'm not in the chain of command when it comes to
14 National Guard, if that makes sense.

15 Q Yes, it does. I think, according to the Army timeline, it says 2:22, the
16 Secretary of the Army was on a phone call with the D.C. Mayor, Deputy Mayor, Dr.
17 Rodriguez, and MPD leadership to discuss the situation.

18 And then at 2:30, the call you just referenced, there's the Acting Secretary of
19 Defense, I believe General Milley, Secretary McCarthy meet to discuss --

20 A Yes. I think what happened is the way -- at least in the Pentagon the way
21 the offices are set up, the Secretary and myself's office, you know, they abut each other,
22 so they're on either side. So, you know -- and we leave our door, we go back and forth.

23 So the Secretary, the call that I'm aware of -- and I think I'm on the checklist
24 here -- was about 2:30, and there was a call going on.

25 Q Uh-huh.

1 A And that's, you know, when there was this serious discussion. So the
2 Secretary and I left that call, and Walt Piatt stayed to kind of get some particulars, Hey,
3 get this thing moving. And we went down to basically, you know, brief the Secretary of
4 Defense and get this thing moving, and we did.

5 Q So the benefit of talking to you in November versus the last time I talked, I
6 think was April --

7 A Yeah.

8 Q -- is there is a lot of open-source reporting about the particular time period
9 and the 2:30 call.

10 A Yes.

11 Q So when you left General Piatt, what -- prior to that, who was on the call and
12 what was the tone of the call that you remember?

13 A You mean who was on the call as far as the --

14 Q Before you left the office to go to the Secretary of Defense's office?

15 A Let's see --

16 Q And you're aware that 2:30 call was in the press about --

17 A Right.

18 Q -- the use of the word "optics"?

19 A Optics, yeah, yeah. Yes. So I think the mayor -- you know, I was kind of
20 listening -- like you -- I know what people have said about the call, and I'm very aware
21 that, where was General Flynn and where -- I mean, the bottom line is the phone calls
22 goes on. It's on speaker phone. People are ducking their heads in. People are
23 walking by.

24 I think the only reason that General Piatt was even there is he walked over, and I
25 think he came over to tell us they found two -- I think there were two pipe bombs that

1 were, you know -- I think it was at the DNC and the RNC. So he just happened to walk
2 in.

3 So that's why I think there was confusion with people going, Hey, he said he
4 wasn't there; he was there. I mean, it was -- you know, first of all, we're doing meetings
5 and imagine, you know, all of a sudden, we become kind of like this little phone that sits
6 on a desk, and it becomes like an operation center. And there's people on the phone.
7 I think it was the mayor, I think -- you know, there were a bunch of folks on this end, We
8 need help right now.

9 And, of course, the TV is up and we're starting to see that stuff. So basically
10 what happened then was the Secretary and I just went -- like, we weren't running, but we
11 were moving pretty fast. We go, let's go down, you know, to SECDEF, kind of met up in
12 the SECDEF's office and said, Hey, we've got to do that. That's when the decision was
13 made to basically mobilize the entire Guard, get the things going. Let's get them in
14 position.

15 And then really what we're trying to figure out is, what type of support did they
16 want us to do? Some of it was like, Hey, can we do things with the National Guard to
17 relieve police officers so they can get down there and respond to what's going on at the
18 Capitol? So that's kind of the some of the discussion that was going on.

19 And then it gets -- you know, and then we start bringing the National Guard in,
20 right around 1500 I think it was.

21 Q So just getting back to that 2:30 call --

22 A Yes.

23 Q -- do you remember any discussion about any suggestions that were made
24 by General Piatt to the Mayor, to Chief Sund, or to Chief Conte?

25 A See, I was not there during that part, but here is what I do remember. I

1 talked to some of my staff, and they said that General Piatt did an incredible job. He
2 was like the -- you know, in a very calm, just saying, let's just settle -- the Secretary has
3 gone down to do that, you know. And a lot of people were talking optics. I was not
4 one of them, but, you know, there were different phone -- because I think that's why
5 there was confusion about -- you know, you're seeing the open-source stuff that's come
6 out. There were a lot of people saying that they did not like the optics of the military
7 being on Capitol Hill.

8 I mean, there was certainly concern. You can call an optic, call it whatever you
9 want, but there was certainly concerns about a military signature giving, you know, a 10
10 star -- someone has got their phone going off.

11 Okay. Given that with the SECDEF, there was just a lot of opensource material
12 about what the military was going to do or not do during that time. And so, from where
13 the Army was, the Army was going to do what was requested, and that's what we did,
14 you know.

15 Q From that 2:30 time frame on, was there any sense that there was not going
16 to be an approval of activating the D.C. National Guard to assist?

17 A No. There was no discussions. Because I've heard open source, like there
18 was -- no. In fact, the entire National Guard was basically mobilized right at that 1500
19 hour.

20 Q The 3:04, I believe?

21 A Yeah. Because some people looking at that, was that the decision to
22 launch the troops? I mean, really what you had was right then, because you only had, I
23 don't know, about 150 National Guardsmen. If you look at the way it was set up, there
24 was 340 National Guardspeople total. Half of them were on the streets, and the other
25 half was going to be the second shift kind of coming in. So as you take a look at it, you

1 know, the 340 weren't all there. They were running shifts. And so, you know, about
2 150 were spread out throughout the whole district.

3 And then the decision that was made with the Secretary of Defense was mobilize
4 the National Guard. Get everyone coming in. So now, you know, you're talking about
5 1,000 National Guard folks coming into the Army and getting all of this stuff up.

6 And then the real thing was, and what the Secretary was challenged for is, you
7 know, What do you want me to do? You know, because, again, from a fleet
8 law-enforcement type scenario, it's just send them to the Capitol, where from a military
9 standpoint is, what do you want them to do so we can configure them so they're ready to
10 do the operation?

11 And the question was, do you bring them back in? You know, because they
12 didn't have riot -- what we call civil disturbance gear. I think that's the proper term for
13 it, not riot gear; I think civil disturbance. They didn't have that stuff with them.

14 And the other thing is, did you want them armed, because they were not armed.
15 And that was kind of the decision that people were trying to make. And at the same
16 time, even as I was sitting in that meeting with the SECDEF and there was a team up there
17 talking about, we got a note that said there's been shots fired.

18 So now the situation totally changed to where we had a disturbance. No one
19 knew at that time that there were shots fired by a Capitol Police officer.

20 Q Uh-huh.

21 A But that's the type of, you know, information that you're getting. And that
22 changes the whole situation. And I think what people were wrestling with the National
23 Guard was, do you put them without weapons into a situation where there's weapons?

24 And the other thing, there was a discussion is there things they can do that will
25 keep them -- you know, that will allow law enforcement to do law enforcement.

1 Because a lot of times with these things that we do with the military in the support role is
2 allow law enforcement to do what they need to do. So, you know, we will do the traffic
3 control points so they can be doing law enforcement. We're not doing the arresting.
4 They're doing the arresting. So you don't have military doing what a lot of people think
5 is traditional law enforcement actions.

6 Q I just want to go back a little bit to the timeline.

7 A Yeah.

8 Q So the 2:30 call happens. You're not there --

9 A Well, no. I was there. I was there for the first part. Because the way it
10 kind of happened was the phone call -- imagine, you know, the Secretary's office is right
11 there. There's a desk there, and he's got a phone on there. He puts it on speaker
12 phone. They're starting to talk, Hey, we need this, this, and this. And so it's, like, the
13 Secretary and I, let's go -- we've got to get ready to employ the National Guard. Let's go
14 down and talk to the Secretary of Defense.

15 And we go zipping down there and go down to the meeting with the Secretary of
16 Defense, and during the time, the chairman is there and the rest of the folks.

17 Q Right.

18 A And we are getting ready to -- you know, we mobilize the National Guard,
19 and we're getting ready to decide how we employ the National Guard.

20 Q So when you leave the call that started at 2:30 --

21 A Right.

22 Q -- to go to Secretary Miller's office --

23 A Right.

24 Q -- General Piatt has left?

25 A He's left there with a few other people. I think our acting general counsel

1 were there. There were a few other folks, a couple of the XO's. I mean, there were a
2 couple of people that were staying in the office, yeah.

3 Q And at that time when you go to the Secretary of Defense office with
4 Secretary McCarthy --

5 A Yes.

6 Q -- there's reporting, and I believe Secretary McCarthy spoke about this as
7 well that because of the confusion of that 2:30 call, at 2:55 a reporter tweeted that DOD
8 is not going to provide D.C. National Guard.

9 Were you aware of when that occurred?

10 A Yeah. You know, it was -- again, I was not in the phone call, but I heard, at
11 least talking to some of my people there --

12 Q Uh-huh.

13 A -- there was a lot of emotion on the phone call, and there was questions like
14 to General Piatt, Are you telling me you're not going to support? And he said, No.
15 We're going to get the authority right now, you know, and that's what -- you know, at
16 least I was told about three times he said, We're getting the approval right now. And,
17 you know, the discussion was, at least I was told, was, you know, General Walker, get
18 your forces ready to go and try and work that out.

19 And what would have been helpful is if there was a clear plan. Because even
20 after that, even after we got the authority to do that, Secretary McCarthy ended up going
21 over to the Metro Police, getting with them and coming up with a concept of how they're
22 going to employ on the fly, which he did. And then he called back to the Secretary of
23 Defense, said, We've got a concept, we're ready to go. And that was about 1630, and it
24 was like, you know -- by this time the guard had a chance to come back in, get their
25 people on buses, and then move out and head over to what they needed to do.

1 Q Secretary McCarthy said after the 2:55 tweet went out that said DOD is not
2 going to support, he made some calls to Congressional Members.

3 Were you involved in those phone calls?

4 A I might have been. Like, there were phone calls going on that some I
5 was -- because he was really running -- you know, it was one of those things where he
6 had a lot going on. He had a lot of people calling him. And, you know, we had, at the
7 time, General Chris LaNeve make kind of as his Acting General to help him run these type
8 of things.

9 And then he went over. He did a press conference with the Mayor. You know,
10 he went and met with Metro Police. He put all of this together to facilitate the proper
11 deployment of the National Guard.

12 Q And you stayed at the Pentagon the whole time? Is that correct?

13 A I did because, again, you know, I'm an advisor. I did not leave the
14 Pentagon, that's right.

15 Q I want to highlight one of the issues that has been discussed about these
16 conflicting timelines.

17 A Yes.

18 Q Which I remember we asked you about before on the Senate side.

19 A Right.

20 Q According to the DOD timeline, at 4:32, Christopher Miller provides the
21 verbal authorization to re-mission the D.C. National Guard --

22 A Yeah.

23 Q -- to conduct the perimeter and clearance operations in support of the USCP.

24 Now, I just want to break down the time period from 3:04 when the Acting
25 Secretary of Defense gave the order to formally mobilize.

1 A Yes.

2 Q Now, again, to break it down, the full mobilization for the D.C. National
3 Guard at 3:04 meant they were going to the D.C. Armory to get re-missioned and
4 re-equipped? Is that correct, generally?

5 A No. What I would say is -- the way I would understand full mobilization is
6 you only had 340 of the National Guard involved in, you know, the request. What he did
7 was bring everybody in, most of the entire National Guard, which means you're calling up,
8 you know, like 1,000, maybe 12 -- so it's everyone available, bring them in. And that's
9 what they did. You know, that's what they did. That's how they set up the perimeter
10 and everything.

11 So the mobilization is -- and, again, that's the way I understand it. You know,
12 Secretary Miller may have a different, you know, assessment of it, because I can see
13 confusion between what did he mean by the mobilization. You know, I see it as a
14 two-step -- mobilization means you're bringing everybody in.

15 Q Right.

16 A You know, muster the National Guard, because that's a decision. I mean,
17 what you're doing is you're pulling people out of their jobs and you're paying for them to
18 come in there and basically to kit up and get ready do something. So that's a big deal.

19 Q So, again, if we look at the timeline, the 2:30 request --

20 A Yes.

21 Q -- when do you see the official request coming in, at what time?

22 A The official request for --

23 Q For assistance from the D.C. National Guard?

24 A 14 -- about 1430.

25 Q Okay. So, sorry, I'm doing it as a layperson.

1 A I mean, sorry. 2:30 p.m. in the afternoon. Sorry about that.

2 Q I'm already confused with all the acronyms.

3 A No, I will go back. No. I see, you know, like basic hard line about the call.

4 That is what I see as basically -- it wasn't in writing, but the official request is 2:30.

5 Q So then the 2:30 call --

6 A Right.

7 Q -- request --

8 A Right.

9 Q -- the 3:04 full mobilization --

10 A Right.

11 Q -- by Chris Miller?

12 A Yes.

13 Q Now, as a layperson, people say the use of the confusion is at 3:04 they were
14 ready to go.

15 A Right.

16 Q But that's not accurate, correct?

17 A No, I don't believe so.

18 Q So from 3:04 until 4:32, when Acting Secretary Miller provides the verbal
19 authorization to re-mission the D.C. National Guard to go to the Capitol --

20 A Right.

21 Q -- what happens during that hour and a half? Is that what you described
22 as --

23 A Well, what I would think was happening during that hour and a half is they're
24 moving the quick reaction force down from Andrews over to the Armory. They're
25 leaving their check points, the traffic control points, the 30 traffic control points so that all

1 of those vehicles, they're hopping in their cars and they're driving back in traffic through
2 the armory and getting set. And you're bringing in maybe 150 people, and now you are
3 going to go to the Capitol.

4 And what you want to do, you've got 150 people there, and then they have
5 probably get their buses or how they transport large people. And then probably -- you
6 know, again, I wasn't over there, but what I would think they would be doing is one of
7 two things. They didn't have a mission request, but they might have been anticipating a
8 mission request. What I think, you know, they're probably doing is let's get all of the
9 civil disturbance gear out. You know, let's get in the lockers. Let's get, you know, the
10 shields and this stuff. They're over there trying to get all the stuff, so everyone has got
11 their stuff. And then they're getting them ready to get on a bus and getting ready to
12 come over.

13 Q So the confusion is, the DOD timeline has the verbal order at 4:32 and
14 their -- the DOD timeline has that verbal order was given to General Walker.

15 A Yes.

16 Q However, the D.C. National Guard timeline says he received the order at
17 5:08 from yourself.

18 A I know, I know.

19 Q Can you explain that?

20 A No. No, I will. But it was interesting because, again, what I was
21 told -- and, again, I was not on the phone call -- was the Secretary of the Army and Chris
22 LaNeve called General Walker right around 1635 -- I mean, excuse me, right around 4:35
23 and said, Execute.

24 And so I was at a meeting, and what we have is -- you look at your screen in my
25 office, we had a visual teleconference going with all of the people that were involved, you

1 know, like from the various staff sections. So as this thing was going on, we could keep
2 everyone, you know, online with what's happening.

3 And I walked in, I looked up there, and I saw General Walker. I walked into my
4 office, and I go -- I looked at him and I said, Hey, you've got all the authorities you need.
5 He goes, Yeah. And I go, Okay. You know, are you -- and he said, Well, what do you
6 want me to do, Chief? And I go, Well, my recommendation is go command your unit
7 and get on down there and get after it.

8 And I don't know what happened, why he didn't take the call from the Secretary
9 because I'm not in the chain of command. I was just kind of giving advice.

10 Q Uh-huh.

11 A And he was asking me where I thought he should be, and I personally
12 thought he should be at the Capitol because that's where his troops were. I would have
13 been there a long time ago. It's just one of those, you know, how you do business.

14 Q And to clarify, that conversation you had with him, was that an order or was
15 that your recommendation?

16 A Well, see, it was my advice to him. Now, having said that -- and I'll be
17 straight -- you know, is when you're the Chief of Staff of the Army and you go, You ought
18 to go down there and command your units, you know, I'm giving advice because,
19 technically, I'm not in the chain of command. But sometimes that is anticipated as, you
20 know, an order maybe, but it's not an order. I mean, I was pretty careful about how I
21 discussed that. Now, you would have to ask him, did he see that as an order.

22 But the bottom line was, the way I see it, he was given an order at 4:30 from the
23 Secretary. The Secretary of the Army is in the chain of command. And when I look at
24 this, at least our timeline is -- at 1635 -- okay, 4:35, Secretary of Army notified General
25 Walker of the approval and authorized the D.C. National Guard to park at the Armory,

1 and then General LaNeve provided the link up location and the lead. So basically --

2 Q And I'm sorry. You're referring to the Army timeline?

3 A That's right.

4 Q That's Exhibit 36?

5 A That's right.

6 Q So the Army timeline has it at 4:35?

7 A Yeah.

8 Q The DOD timeline has it at 4:32, and the D.C. National Guard timeline has it
9 at 5:08.

10 So 5:02 to 5:08, I'm not that concerned about. I'm more concerned about the
11 4:30 to 5:08.

12 A Right.

13 Q How do you explain that 30-minute gap between what DOD believes the
14 order was given to General Walker and then General Walker's belief that he received the
15 order at 5:08?

16 A Yeah, I don't know. I mean, I just don't know. I would think that if the
17 Secretary of the Army called you, you know, that's like -- that is an order. So if the
18 Secretary of Army called General Walker and said, Execute. And then, you know, Chris
19 LaNeve -- the way this kind of works is -- you know, the way the chain of command was
20 set up -- I was not in the chain of command, not that I'm trying to -- you know, I would
21 love to be the chain of command, but, you know, that was not my role as the Chief of
22 Staff of the Army. I was an advisor. And, quite frankly, by this thing, we were well
23 past -- the Secretary of Army, who had the authorities, you know, did the coordination,
24 got the mission set up, had a concept -- and usually the Secretary of Army is not
25 developing concepts for the employment, but because of the situation that wasn't done,

1 he actually went and did that with Chris LaNeve, and they got -- you know, they
2 coordinated this whole thing out, quite frankly, to bring some order to chaos. And so
3 that's what they did.

4 And then he came back to -- you know, according to this -- and, again. I've talked
5 to Chris LaNeve and, you know, he said that's what, you know -- now, why General
6 Walker didn't see that as an order or he didn't see it or -- I don't know where he was in
7 the process.

8 Q As you described your conversations with General Walker --

9 A Yeah.

10 Q -- did it appear to you that it was news to him that he had the authorities to
11 move?

12 A No. He told me he had the authorities. I mean, I go, You got all the
13 authorities you need to do the mission. He said -- I mean, the conversation went
14 something like this was, I walked in. I looked at the screen. I go -- I was kind of
15 surprised, you know. I go, You have all the authorities you need to execute the mission.
16 And he goes, Right. And he goes, Hey, Chief, where do you think I should be? I go, You
17 need to go command your units. And that's what he did.

18 Q Where was he at the time of the call?

19 A He was in his office at the National Guard.

20 Q I see.

21 A So he was over in the complex. He was in his headquarters.

22 Q And then the next kind of timeline piece is that DOD -- on the DOD timeline,
23 at 5:02, the D.C. National Guard departs the Armory. And at 5:40, I believe, is the arrival
24 at the Capitol by the DOD, but the D.C. National Guard timeline has it at 5:20.

25 A Okay. Yeah. I mean, you know, the thing is on times, you know, if

1 you knew that -- times are always a little -- I mean, actually this is pretty good. I know
2 this may not seem good as an investigator. But there's chaos going on, and people
3 aren't necessarily -- even as I look at the logs, because I see things that I was supposedly
4 in phone calls or involved, and I know I wasn't there. You know, I mean, but that's just
5 because it's very -- you know, people aren't sitting there going who was on the phone call
6 at this time?

7 Q Right.

8 A Who was doing this? Who did that? I mean, in fact, this is -- you know,
9 even when people said -- because a lot of times you may -- you know, I can even go back
10 and look at my transcripts. So sometimes you may say something, I didn't remember, I
11 didn't know that's exactly, you know, how it came out.

12 So I feel pretty comfortable with the Army report, at least what we know.
13 Because a lot of people looked at this, and it's our best recollection of the events that
14 happened.

15 [REDACTED] And I see that Mr. Richards from agency counsel is probably
16 reviewing the transcript prior where we asked some more questions on the Senate side.
17 And is there anything to clarify?

18 [REDACTED] No. We have no clarifications for the Senate Homeland Security
19 Committee transcript of General McConville's testimony.

20

BY [REDACTED]

21 Q I want to kind of wrap up January 6th with just some general questions
22 about this, again, focusing on the 2-hour turnaround time.

23 A Yes.

24 Q Would any call from President Trump to the Secretary of Defense or
25 Secretary McCarthy, would a call have expedited that 2-hour time frame in any manner,

1 meaning a call saying, Let's get going quickly?

2 A You know, I don't -- I don't think a quicker call or a quicker response would
3 have been more effective, I guess, is the way I would describe it. So, I mean, we could
4 have gotten people there sooner, but I'm not sure they would have been effective getting
5 there sooner. In fact, I think they might have been less effective.

6 Q So --

7 A Because it's really -- and I guess the way I would describe that, and going to
8 what General Walker said is that it's kind of a physics problem. I mean, if you just said,
9 How long does it take you to drive from the traffic control point, assuming, you know,
10 every soldier knew where they were going to go and there was no traffic. And, again,
11 I'm not -- there were roadblocks all over the place, but I was not out in the streets, so I
12 really don't know -- you know, you drive around Washington, D.C., sometimes it can take
13 you 5 minutes to get someplace. I don't know. Sometimes it can take you an hour to
14 get to the place. Sometimes you can't get through the traffic. And I don't know that
15 they would have been able to get through to the Capitol in that aspect, so I don't know.

16 What I do know is you have a whole bunch of people coming together in a very
17 chaotic response to a very chaotic situation, and they wouldn't come as a cohesive unit
18 that could quickly establish some type of, you know, significant capability.

19 Q Was there any sense that you ought -- in the midst of that chaos, in the crisis
20 from 2:30 on --

21 A Yeah.

22 Q -- that there was a need to speak to the President to clarify any authorities
23 that were necessary?

24 A No.

25 Q Were there any communications with the White House that you're aware

1 of?

2 A I did not have any. And I'm not aware of any -- you know, I'm not sure, you
3 know, what was going on back and forth at the Secretary of Defense level.

4 Q Was there any concern that the President may have prevented the D.C.
5 National Guard's arrival?

6 A No.

7 [REDACTED] Do you have anything on that?

8 [REDACTED] No.

9 BY [REDACTED]

10 Q In the time period after January 6th -- leading up to January 6th and the days
11 after, there was, you know, this discussion that media reports indicate that the former
12 President Trump was considering to declare martial law to maintain his power because of
13 the alleged stolen election.

14 Were you aware of any discussions within DOD about any efforts the former
15 President may take to stay in office?

16 A No.

17 Q You mentioned the open sources about what was occurring during this time.
18 There was some reporting that General Milley took steps to reassure leaders about the
19 stability of the country.

20 Were you aware of those calls at the time they were made?

21 A I was not. I mean, the only call I was aware of was his call with Speaker
22 Pelosi.

23 Q And when did you become aware of that?

24 A I was either -- I can't remember. I was either there for the call, I was right
25 around when the call happened. It was either he discussed it with me or -- I just can't

1 quite remember if I was actually in the office when the call came.

2 Q And as it has been reported, Speaker Pelosi asked General Milley questions
3 about the stability of the President at the time and expressed concerns about that.

4 Is that how you remember it?

5 A Well, I think the way I remember the discussion with the call was the
6 Speaker asked the chairman to put out a statement saying that, you know, your weapons
7 were secure. And the way I recall was that General Milley came back and said, you
8 know, I can't do any -- that would be a political statement. I'm not going to -- you know,
9 we're staying out of politics. But he did assure her that there were processes in place to
10 make sure that our weapons were safe.

11 Q And I believe there was an article that was published with General Milley's
12 statements that there were open sources about that conversation that occurred?

13 A Yeah. I think there were -- I mean, there are open source -- you know,
14 there's certainly discussions about that in books and other type things that there -- well,
15 the Speaker actually tweeted right after that. She said that she talked to General Milley
16 and said, you know, he assured her that, you know, the weapons were safe.

17 Q And that was on January 6th itself?

18 A I don't remember when that happened, exactly the date.

19 Q Was there a discussion about, you know, the potential efforts President
20 Trump could take to maintain power as a result of that conversation with Speaker Pelosi,
21 and what precautions to take within DOD?

22 A I think that, from a military standpoint, is we're going to do the right thing
23 the right way. And I think, you know, there was a lot of conjecture, open media, on
24 social media. There were people, you know, sending us notes, you know, and letters
25 saying that -- you know, whether it was on social media or -- that we should take certain

1 actions.

2 And from a military standpoint, I did not receive any type of orders to, you know,
3 conduct anything to affect the outcome of the election at any time, nor would I have if I
4 had.

5 Q Let's segue into the January 12th letter that was issued. I believe that's
6 Exhibit 32.

7 The Joint Chiefs issued a signed statement condemning the events of January
8 6th -- do you have that -- specifically stating: We witnessed actions inside the Capitol
9 Building that were inconsistent with the rule of law. The rights of freedom of speech
10 and assembly do not give anyone the right to resort to violence, sedition, and acts of
11 insurrection.

12 Can you explain what was happening within the Army that the Joint Chiefs of Staff
13 felt that this statement was necessary?

14 A Well, I think at the time in the country is, you know, we looked at what
15 happened to the Capitol, and at least I've never seen anything in my lifetime that equated
16 to that. And, you know, when we met as the Joint Chiefs, we thought it was necessary
17 to make sure that Joint Force understood where the chiefs stood on that. And, you
18 know, we stand by those statements that the actions inside the Capitol Building were
19 inconsistent with the rule of law, although we -- in fact, we risked our lives for the rights
20 of freedom of speech and assembly, but that doesn't give the right to anyone to resort to
21 violence, sedition, insurrection.

22 So that's what it was about.

23 Q Was there a discussion whether to issue this just for the force or whether it
24 should be a public statement?

25 A Well, this was a memorandum for the Joint Force. However, you know, I

1 mean, if we're going to put something out to the Joint Force, there's a good opportunity
2 that others will get a chance to see it.

3 Q Did you assist in drafting the language at all?

4 A We had the ability to, you know, agree with the language. You know, I'm
5 not saying I didn't, you know, necessarily -- I think we talked about it, and we all had a
6 chance to provide input on the letter before we signed it.

7 Q Was there any discussion or reluctance to use the specific words "sedition"
8 and "insurrection" to describe the events of January 6th?

9 A Not from me.

10 Q What -- again, going back to open-source reporting, there has been a
11 narrative that January 6th was indeed a peaceful protest with only a few outliers who
12 caused some violence. What's your response to that reporting that's out there?

13 A Well, I think I've seen demonstrations during the summer, and I saw
14 demonstrations at the White House. I thought there was violence at both of them, I
15 mean, because at both of them we had people hurt. We had National Guardsmen hurt
16 during the summer, and we would police officers hurt during the winter. So, you know,
17 at both of these, you know, demonstrations, there were people hurt.

18 Q I want to just go back, we talked a little bit about that 2:30 call with General
19 Charles Flynn. There was the denial by the Army afterwards.

20 A Yeah.

21 Q Are you aware how that occurred and why that happened?

22 A Yeah. I think there was just confusion -- I know some people are trying,
23 you know, to make it something else, but I think there was just confusion. There were a
24 whole bunch of meetings going on because, you know, I didn't think he was there,
25 because when I was there, he wasn't there. So I was kind of surprised that -- you know,

1 basically what happened was phone calls were going on, people were wandering -- you
2 know, if you know how the office is set up, it would be like that door right there, people
3 going in and out. If you can picture, you know, Walt Piatt is kind of on this thing.
4 We've got people that are very emotional that maybe have not been in a very challenging
5 situation like this before. So there's a lot of emotion on the phone call, people coming
6 in and out. And then there were a whole bunch of other phone calls and discussions
7 going on where other things were discussed. You know, optics was discussed by many
8 people during many type of the meetings.

9 And, quite frankly, some people, they try to come back and right at this thing.
10 It's like, okay, when was this said? Who said what? And, you know, quite frankly, as I
11 talked to some of the, you know, people that were in the room because I was not, I go,
12 Did anyone -- and some people said, No, it wasn't said. And then some people said it
13 was said. And, then it was like, okay, So what do we think?

14 Here's what I can say about those two officers: You know, they are great
15 officers. My son served under General Piatt, and I would send my kids to combat with
16 him and Charlie Flynn. I think that I have tremendous confidence in their ability and,
17 quite frankly, they did a fabulous job during that time frame. And there was no intent to
18 deceive anybody, or there's no conspiracy because of who Charlie Flynn's brother is.
19 You know, Charlie Flynn will say my name is Charlie Flynn, and that's who he is. And I've
20 served -- he was my G-3 for 2 or 3 years, which the director of operations runs the entire
21 Army, and he is a great officer of the highest integrity.

22 And the same thing with Walt Piatt. Again, a lot of times you say, Well, I would
23 allow my kid to serve in combat. I know I served with him in combat. My kid did serve
24 under him when he was the commander of the 10th Mountain Division, and I give
25 complete faith and trust.

1 And, you know, the mistake is we probably should have done a better job of
2 getting everyone together because even I asked -- you know, I had aides or, you know,
3 XOs inside. I go, Did they say that? And, No, that wasn't said. And I'm, like, okay.
4 Because I was almost ready to come out and say, you know, and there were people going
5 in and out of the room, and whether he was there or not, there was just confusion.

6 So we are -- you know, there was confusion. But what is not true -- and I
7 will -- there was no conspiracy or idea that, you know, Charlie Flynn was trying to stop
8 anything or Walt Piatt was trying to deny anything. What they're really trying to do is
9 bring calm to chaos, and what they're really trying to do is when we employed the
10 National Guard, we did it in a measured manner where they could get the outcome that
11 everyone was looking for.

12 Q I appreciate that, the overview of the Army's response there.

13 And this might be a question that there's an obvious answer, but when we talked
14 about the DOD timeline and the Army timeline -- I don't want you guys laughing -- why
15 are there two different timelines? Why weren't they merged?

16 A I think DOD came out with a timeline, you know, maybe a little sooner than
17 us.

18 Q Okay.

19 A And what we did was the report, you know, we went back and really brought
20 people -- because you're right, we had discrepancies, you know. And, quite frankly, I
21 was not happy with the fact that we had, wait a minute, you said you -- well, he wasn't
22 really in the room. Well, wait a minute. You know, now we're looking, you know,
23 which bothers me, we're getting into a credibility issue, and we can't have that in the
24 United States Army. Because not only was there a confusion and everything like that,
25 we have to be very, very precise in what we're saying to the best of our ability because

1 people are going to look at this thing that were not there. They're not going to realize
2 the chaos that was going on. They're not going to realize all these type of things, and
3 they're going to sit there and go, you know, Chief of Staff of the Army, at 12:47 what were
4 you, you know, doing?

5 And that's why, quite frankly, some of the letters are very precise in the guidance
6 given because, quite frankly, during the summer, you know, after the investigations, what
7 did you tell those helicopter pilots? What was the guidance given to those helicopter
8 pilots? Well, we didn't have precise left and right limits. We said, you know, Go there.
9 Get those helicopters over there as fast as you can. Put these people over there.

10 And, you know, from where we sit is we like to have, ideally, written concepts of
11 the operation so we know what was said and what was done, so we can properly employ
12 the force.

13 Q And just to follow up on your point there about the DOD timeline, the I think
14 the DOD timeline came out in January 2021 --

15 A Yeah.

16 Q -- at some point, obviously, towards the end of the month, and the Army
17 timeline was issued March 18th as part of the report.

18 A Right. So, again, I thought -- you know, and the other thing too, you would
19 like to think that people were taking notes at different places. And, you know, even
20 with my office's interest in what time was this at or that at, you know. Even the
21 meetings I'm in, I left one meeting early, I was not at this meeting, you know, I mean, but
22 trying to get it down to precisely that time, unless you have someone on a clock, you
23 know, you look at something and you go, That can't be true or this can be true.

24 And I think there's a lesson to be learned, too, is, you know, actually, I think it's a
25 pretty good timeline given what was going on that day.

1 [REDACTED] Before I go into the last two, we're at the very end here, is
2 there anything else?

3 [REDACTED] General stuff at the end, but no.

4 BY [REDACTED]:

5 Q Again, public reporting after January 6th stated there were conversations
6 amongst Cabinet members, including General Milley, about invoking the 25th
7 Amendment on January 6th and the weeks after.

8 Were you aware of any of these types of conversations occurring?

9 A I was not.

10 Q Did you learn of these conversations after from General Milley or from --

11 A Well, I didn't really talk to him, but I did -- you know, open source, there's a
12 lot of discussions, you know, both in the printed media, you know. I mean, there's a
13 lot -- I mean, there's a whole bunch of discussions about what was going on.

14 Q After the November election towards the middle of -- towards probably after
15 the election, middle to end of November, a transition process began for the Biden-Harris
16 administration.

17 Did you have any interaction with Mr. Patel who was leading the transition for the
18 Department?

19 A I did not.

20 Q And who was leading the transition for the Army, if you --

21 A Well, I mean, there's two pieces, I guess. One is our -- Ms. Cathy Miller
22 would have been the one who is the administrative assistant. She is the senior
23 nonpolitical civilian in the Department of the Army. So she orchestrates that.

24 And then actually, interesting enough, our now Secretary Wormuth was actually
25 the person that was leading the transition for the Department of Defense, and I certainly

1 met with her as part of that transition.

2 [REDACTED] I think that wraps up all of my questions.

3 [REDACTED]

4 Q So, General McConville, as I said earlier, we are looking ahead at sort of
5 prospective possible recommendations. And I'm just wondering, I wanted to give you
6 an opportunity, the Army is good at after actions, does a really good job of thinking about
7 mining from particular experience in how to improve processes.

8 Do you have any general thoughts about -- stemming from the issues we have
9 discussed today, the appropriate use of Army resources domestically, deployment of the
10 National Guard, anything along those lines that you personally or you or others in the
11 Army think would be useful for members of the Select Committee to be aware of?

12 A Yeah. I think -- you know, I go back, I have said this a couple of times. But
13 I will really think that the Nation should take a look at how you're going to secure the
14 District of Columbia. With so many agencies that are involved, there really needs to be
15 a lead Federal agency. And you may not want to leave that to a pickup team every time
16 something happens, I mean, because this is the Nation's Capitol.

17 Q Right.

18 A And this is the Super Bowl, and we would never let -- you know, I mean, the
19 world watches what happens inside this district.

20 Q Right.

21 A And I think it's so important that we have an organization, and it can't
22 be -- you know, because we're focused on the Capitol Police, but that's just one
23 organization.

24 Q Of 42.

25 A And then, you know, it was the White House, you know, during the summer.

1 Q Yeah.

2 A But there's different -- and, you know, things like -- you asked about the
3 monuments. I was really concerned. In fact, I was talking to General Will Walker, and I
4 go, Do you have people monitoring Martin Luther King's statue?

5 Q Yeah.

6 A And this was during the summer, and he looked at me, like, you know, and
7 he was like, Chief, we don't, you know, no. But here is how we could even create
8 more -- somebody defaces Martin Luther King's statute. How does that play out?

9 So we have to have the capability to orchestrate these -- you know, the security.

10 Q Yeah.

11 A Someone has got to be somewhat -- as much in charge as you can get within
12 the interagency.

13 Q Yeah.

14 A And this should be some type of --

15 Q Instead of days before emails about who is the lead agency?

16 A Yeah. Because this is the perfect storm where, you know, you're looking
17 at -- first of all, you know, people in this city tend to go on vacation, you know, over -- and
18 that's a good time, even for us, because Congress is out of session. It's New Year's
19 coming up.

20 Q Right.

21 A Now, we are kind of -- if you look at, you know, when things start, New
22 Year's Eve, 1 January, a lot of people aren't around, and now 6 January. And, again,
23 you're working with people that haven't worked together before. Some people are
24 brand new. And, you know, you are going whose responsibility is it to bring together
25 this extremely complex organization.

1 Q Yes.

2 A And we mentioned January 20th. Now, you know, the Secret Service takes
3 that on, and they do it like, you know, every 4 years and, you know, they were planning it.
4 And we provide -- usually we fly Active Duty troops for that, but they're more -- they're
5 not in law enforcement. They do the ceremonial stuff, the old guard, the parades, and
6 all that stuff, all of those soldiers standing around.

7 We start planning, you know, months out --

8 Q Yeah.

9 A -- to be able to do that. And, you know, so an integrated security plan and
10 then taking a look at, you know, what are we willing to accept, you know. People like to
11 use optics -- I'm going to stay away because that's a political term in my eyes. But what
12 type of signature do you want on the streets in Washington, D.C.? Do you want a police
13 signature? Do you want a military signature? Do you want a Federal signature? You
14 know, because it really comes down to even with the guns that people carry. You know,
15 it's one thing to have a pistol. It's another thing to have -- you know, we see it with
16 police officers, all the sudden we militarize them and, you know, they get vests on and
17 they look a lot like soldiers --

18 Q Yeah.

19 A -- and that creates a reaction from the American people, and we need to
20 think our way through that and come up with it.

21 Q Yeah. I appreciate that.

22 A But if we keep, you know, learning the same lessons, that's fine, you know,
23 we're going to learn, you know, if we're not going to change and you got new people in
24 jobs, you know, who is going to be responsible, so when this happens again, which it will,
25 we know what to do.

1 And in some ways, just my personal opinion, is, you know, people came after the
2 National Guard that we would have saved the world if the National Guard -- you know,
3 you're only talking a couple of hundred people at the most, at best case. And there's,
4 you know, between Metro Police, there's tens of thousands of law enforcement here that
5 can do those type of things. But what we can help is get back to, you know, the Capitol
6 definitely shouldn't get harmed. The Capitol is a very easy place, at least in my eyes, to
7 secure. That's a great building, you know, but there's certain things you can do with
8 doors and gates to harden those type of things, so you shouldn't be able to get in the
9 Capitol. That should not be -- you should not be able to get in there. And they can do
10 things to windows and they can do things that can make that -- they should harden that.
11 And then you're going to have in even how you do, you know, things that people don't
12 want the -- I hate to say it -- signature of having big fences or having people, but there's
13 things you can do to make the Capitol a lot more safe, and it needs to be. This is, you
14 know, democracy.

15 Q Yes. I take it from your answer that there needs to be a lead Federal
16 agency that is default in charge, that that should not be the Department of Defense, that
17 your view is the Army should not --

18 A I think the Department of Defense should protect the Nation. It shouldn't
19 police the Nation. I think this is a police role.

20 Q Yeah.

21 A And I think there's really good reasons for that.

22 Q Yeah.

23 A Again, you always have to think about the worst unimaginable situation, and
24 then structure your organizations for that. There's a reason why we have civilian control
25 in the military. There's a reason why we have checks and balances. There's a reason

1 we have three branches of government. You know, all those types of things I think are
2 really important.

3 Q Yeah. So, in your view, the best role for the military's involvement is in the
4 planning, in the discussion, but a subordinate role --

5 A Absolutely, and really in a support role.

6 Q Yeah.

7 A Any type of -- because some people will come back and say, Hey, why don't
8 you, you know put up a battalion of National Guard? First of all, it's much more
9 expensive. And, second of all, if you're going to pay for them to be full-time, why
10 wouldn't you just hire law enforcement and do it that way --

11 Q Yeah.

12 A -- and have them do law enforcement. And if you think you need, you
13 know, people that are, you know, like a special weapons team or something like that, you
14 can train them. But you can do the same thing with law enforcement. You just have
15 to put the resources.

16 And it's not cheaper to -- I mean, when you take a look at what it costs to put the
17 Guard in, at least the figures we had was \$500 million, which was more than the budget
18 for the Capitol to have them -- you know, for the Capitol Police. So that was a lot of
19 money just to put the guard in there for a couple of months.

20 Q Yeah.

21 A So, again, that's not necessarily law. That's just my personal opinion --

22 Q I appreciate that.

23 A -- on how we separate the powers within the Nation.

24 [REDACTED] It's very helpful. Thank you.

25 Nothing else for me.

1 [REDACTED] Thank you.

2 General McConville. Well, thank you, and thank you all. Appreciate it.

3 [REDACTED] Thank you so much. Thanks for your service to the country.

4 General McConville. Well, I appreciate that.

5 Thanks for doing this. I think this is, again -- you know, what's really important is
6 the right lessons are learned, and hopefully people implement the lessons.

7 [REDACTED] We should all be as good at that as you are.

8 [REDACTED] All right. This concludes it. Thank you.

9 [Whereupon, at 12:36 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date